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JOURNALS OF THE
CONTINENTAL CONGRESS
1774-1789

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PREFATORY NOTE

The year 1783 not only increased the difficulties with which Congress had struggled through the preceding year but also created new embarrassments to intensify the inherent weakness of the Confederation, though the successful termination of the armed conflict was plainly in sight. The political bands which had connected one people with another had been dissolved; but "to assume among the powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them" required that the expense of the struggle to assume that station should be honorably met. The attention of Congress therefore became absorbed in the ever-pressing problem of devising a practicable plan of providing a revenue and reducing the current expenditures of the General Government. To the latter end committees were appointed in the second week in January to inquire into the administration of the Departments of Finance, War, Foreign Affairs, Post Office, and the Office of Agent of Marine.

A long and at times heated debate upon the various means suggested for raising revenue and supporting the public credit culminated finally in a renewal of the recommendation to the various legislatures to levy an import tax of five per cent for Federal purposes, leaving to the States themselves the appointment of the collecting officers. This recommendation, set forth in the Address to the States of April 26, was a meager result after four months of discussion, yet one that was the limit of the power of Congress.

The resignation of Robert Morris as Superintendent of Finance at the very beginning of the year came as a distinct

shock to the harassed Congress and served to complicate still further the tangled financial situation. He was prevailed upon to continue in office, however, and the end of the year found him still in charge of the finances.

In March Congress was rudely reminded of the need for action in the matter of pay for the Army by the dangerous spirit boldly displayed in the anonymous Newburgh Addresses, which only the tact and wisdom of the Commander in Chief prevented from becoming an open, armed revolt. Five months later the reality of the Army's unrest was brought home to Congress by the mutinous and insulting conduct of Pennsylvania soldiers at the very door of Congress Hall. For ten years, with the exception of the few months the British held the city, Congress had been in continuous session in Philadelphia and the dilatory attitude of the Pennsylvania authorities in restraining these malcontents aroused deep resentment. Feelings of outraged dignity and sound precaution merged with this resentment into a desire to rebuke Pennsylvania, and the Continental Congress left the city, the last week in June, never to return.

The question of the location of the permanent residence of Congress occupied a fair share of attention from this time on, and, as an unsettled problem, became a legacy to the Government under the present Constitution.

The claims of the various States to the western lands were finally relinquished to the General Government during the year. The matter had been under consideration since 1780 and, in the public domain acquired by these cessions, the United States came into possession of the first tangible asset upon which real Federal power could be built.

In foreign affairs two important treaties were ratified in January. First, the treaty with France, signed July 16, 1782, which stated the exact amounts of the financial advances from France and the periods at which Congress engaged to repay them. Second, the treaty of amity and

commerce with Holland, which defined for the two nations contraband of war and the right of search on the high seas.

The action of the United States commissioners for negotiating peace in agreeing to the separate article to the preliminary treaty with Great Britain, the knowledge of which was withheld from France, did not influence nor weaken to any noticeable extent her friendship for America, although the news of this proceeding produced a flurry of excited debate in Congress.

The proclamation of the cessation of hostilities was issued by Congress, April 11, 1783, and the definitive treaty of peace was signed at Paris, September 3, but did not reach Congress during the year.

In conference with the Commander in Chief during the last months of the year Congress decided upon a peace footing for the Army. The British evacuated New York at the end of November and on December 23, at Annapolis, the last great scene of the war drama was enacted on the floor of Congress when George Washington resigned his commission as Commander in Chief of the armies. The war was over, the Army disbanded, and independence an accomplished fact. The purpose for which the Congress had been created was fulfilled and the makeshift organization faced the future bereft of the compelling force of resistance to armed aggression that had given life to its measures in the past.

The Journals for 1783 were carried forward to page proof under the editorship of Mr. Hunt, while he was Chief of the Division of Manuscripts. The final work of publication upon these volumes has been performed by the Assistant Chief of the Division of Manuscripts and Miss Emily B. Mitchell, assistant in the Division.

J. C. FITZPATRICK

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JOURNALS OF THE CONTINENTAL CONGRESS 1783

WEDNESDAY, JANUARY 1, 1783

On a report of the Secretary for foreign affairs:

The minister plenipotentiary of his Most Christian Majesty having communicated to Congress, through the Secretary for foreign affairs on the 7th instant the resolution taken to embark the army under the command of the Count de Rochambeau, and on the 29, their having actually embarked and sailed; together with his Majesty's intention to direct them to return whenever an object should offer, in which they might effectually co-operate with the troops of the United States:

Resolved, That the Secretary for foreign affairs inform the Minister of France, that though Congress cannot see without regret, the departure of an army to whose bravery and good conduct they are so greatly indebted for the reduction of the enemy's force in this country, yet that they have too much confidence in the attention of his Majesty to the interests of the alliance, not to be persuaded that the order for their departure was dictated by a conviction that they could elsewhere be more usefully employed against the common enemy:

That they wish him to make known to his Majesty the grateful sense they entertain of his attention to their immediate interest, manifested in the important aid thus long afforded them, and in his generous determination to direct

his troops to return to this country whenever circumstances will admit of an advantageous co-operation with the arms of the United States; that they desire through him, to recommend in a particular manner the Count de Rochambeau and the army under his command, to the favour of his Majesty, having the highest reason to be satisfied with their bravery and good conduct, and with that strict discipline to which they are indebted for the perfect harmony which has so happily subsisted between them and the soldiers and citizens of the United States.

Resolved, That the President make the acknowledgments of Congress in a particular manner to his Excellency the Count de Rochambeau, and signify to him the high sense they entertain of the distinguished talents displayed by him with so much advantage to these states, in the most important conjunctures, as well as of the strict and exemplary discipline which have been uniformly conspicuous in the troops under his command, and which have deservedly acquired the admiration and esteem of the citizens of these states, by whom his signal services, and the delicate attention at all times paid to their private rights, will ever be held in affectionate remembrance.¹

THURSDAY, JANUARY 2, 1783

Mr. [James] Wilson, a delegate for the State of Pennsylvania, attended and took his seat.

¹ These resolutions were also entered in the manuscript Secret Journal, Foreign Affairs.

On this, or an approximate date, was read a letter, dated Brest, December 3, from the Marquis de la Fayette. It is in the *Papers of the Continental Congress*, No. 156, folio 300, and is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, 102.

On this day, as the indorsement states, was read a letter of January 1, from Major General St. Clair and referred to Mr. [Richard] Peters, Mr. [Alexander] Hamilton and Mr. [Philemon] Dickinson. It is in No. 161, folio 533. Committee Book, No. 186, states that the Committee reported January 17, 1783.

The Superintendant of finance, having, pursuant to the order of 31 of last month, laid before Congress copies of the letters of 8 April and 12 August last, from Dr. Franklin:

On the request of Mr. [David] Howell,

Ordered, That the said copies be delivered to him.

On the report of a committee, to whom was referred a motion of Mr. [Richard] Peters respecting that part of the communication from the Minister of France, through the Secretary for foreign affairs, informing Congress that a naval force would be detached from the West Indies for the protection of our trade,

Resolved, That the Secretary for foreign affairs present the thanks of Congress to the minister plenipotentiary of France for the new proof of his attachment to the welfare of the United States manifested by his having interested himself to procure a detachment of naval force on this coast for the protection of our trade through the winter.¹

January 3, 1783.
Repealed.

The Committee [Mr. Thomas FitzSimons, Mr. Alexander Hamilton and Mr. John Lewis Gervais] to whom was referred the letter of Thos. Barclay Esq. of the 23rd of October with its enclosures, Submit the following Report:

That the Convention transmitted by Congress to their ministers at the Court of Versailles respecting the functions of the Consuls of France and America, be for the present suspended.

That a Commission be given to Thos. Barclay Esq. as Consul General, with authority to appoint Vice Consuls or agents at such port or ports, within the Kingdom of France, as he shall deem necessary, that neither the Consuls or Vice Consuls be restricted from trading as merchants till Congress shall otherwise direct. And that the accounts enclosed in the above letter be referred to the Superintendant of Finance.²

That the Minister Plenipo: at the Court of Versailles be ~~authorized and instructed so to vary the propos~~ instructed to propose that the

¹ This resolution was entered only in manuscript Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

² This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 25, II, folio 175. The indorsement states that it was delivered on this day, read and entered

plan of the Convention ~~regulating the~~ respecting consular powers may be so varied as to leave the parties at liberty to prohibit or permit to their respective consuls the privilege of carrying on commerce on their private acts. and also to ~~make~~ propose such other ~~alterations~~ variations as may be consequent thereon.¹

FRIDAY, JANUARY 3, 1783

On the report of the Secretary for foreign affairs, to whom was referred a communication from the hon^{ble} the Minister Plenipotentiary of France:

The minister plenipotentiary of France transmitted to the Secretary for foreign affairs a note, of which the following is a translation:

NOTE

PHILADELPHIA, *December 31, 1782.*

The minister plenipotentiary of France underwritten, has had the honour to communicate to the Secretary for the department of Foreign Affairs several facts and circumstances relative to the negotiation that has been opened, at Paris, between the belligerent powers, in order to effect a general peace. That minister will communicate it to Congress; but the undersigned minister plenipotentiary has likewise received orders to express himself to that assembly the satisfaction which the King his master has felt for the conduct they have held on the overtures that were made at different periods by the British commissioners commanding at New York, to bring about a partial negotiation with the United States, or any of them. The King has seen with pleasure the resolutions taken by his allies in those circumstances, and has been pleased to see how much they agree with those he has taken himself. He

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, II, folio 177. It is undated.

has observed with an equal satisfaction the unanimity which has subsisted among the different states in the union, who have thought proper to express their sentiments on the subject of a partial peace. The determination they have expressed to reject with abhorrence every proposition of that kind, has fully confirmed his Majesty in the opinion he had formed of their fidelity to fulfil their engagements, and of the wisdom that presides over their councils. The communications made to the secretary for the department of foreign affairs give room to presume, that this just and wise as well as prudent and advantageous conduct will soon bring the allies to a happy termination of the present war. The undersigned minister believes, however, that it is his duty to inform Congress, that at the time the British ministry manifested those pacifick dispositions, they entertained just apprehensions about the fate of several naval operations, which have, on the contrary, had a much more favourable issue than the court of London seemed to expect. It is possible that those unexpected successes may alter their dispositions; and on this supposition the undersigned minister thinks that it becomes the wisdom of the United States not to slacken in their efforts and preparations for an ensuing campaign.

Congress may rest persuaded that his Majesty will, on his side, take all the necessary measures to carry it on with vigour, and that all his resources will be applied to this important object.

(Signed) LE CHR. DE LA LUZERNE.¹

Resolved, That the Secretary for foreign affairs inform the Minister of France, that Congress learn with great pleasure

¹ This "note" was entered only in the manuscript Secret Journal, Foreign Affairs. Another translation of the note is printed in the *Diplomatic Correspondence of the American Revolution* Wharton, VI, 187.

that the steps taken by Congress and the respective states, their constituents, in opposition to the attempts of the British Court to bring about a partial negotiation, has been satisfactory to his Most Christian Majesty: that his Majesty's conduct, in the progress of the negotiations commenced in Europe, as it has been communicated to Congress, is sufficient to inspire a just abhorrence of every act derogatory to the principles of the alliance, and serves to fortify the resolutions which his repeated acts of friendship, and a sense of their own honour and dignity, had dictated to the United States in Congress assembled, and the states they represent.¹

The court constituted in pursuance of the 9th Article of the Confederation, to hear and finally determine the dispute between the states of Pennsylvania and Connecticut, respecting certain lands, having heard and adjudged the said dispute, returned to Congress their proceedings and final sentence and decree:

Ordered, That in pursuance of the said Articles of Confederation, the proceedings and final sentence and decree of the said court be lodged among the acts of Congress.

The commission to the judges was returned with the following endorsement:

"The execution of this commission appears by the schedule to the same annexed.

WM. WHIPPLE, (L. S.)

WELCOME ARNOLD, (L. S.)

WM. C. HOUSTON, (L. S.)

CYRUS GRIFFIN, (L. S.)

DAVID BREARLEY, (L. S.)

The schedule annexed is in the words and figures following:
Proceedings of the court of commissioners, holden at Trenton, in the State of New Jersey, 12 November, 1782, to determine a contro-

¹ This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

versy subsisting between the State of Pennsylvania and the State of Connecticut, relative to disputed territory.

At a court of commissioners, holden at Trenton, in the State of New Jersey, on the twelfth day of November, in the year of our Lord one thousand seven hundred and eighty-two, agreeably to the ninth Article of the Confederation, and by virtue and in pursuance of the commission and letters patent of the United States in Congress assembled, given under their seal, and dated the twenty-eighth day of August, in the year aforesaid, constituting and empowering the persons therein named, to hear and finally determine a controversy subsisting between the states of Pennsylvania and Connecticut, relative to their respective rights and claims to certain disputed lands;

TUESDAY, 12 NOVEMBER, 1782

Present, the honorable David Brearley, and William Churchill Houston, esqrs.

Proclamation for silence being made,

The commission from the United States in Congress assembled, directing the sitting of the court, was read in the words following, viz.

(Here follows the commission as recited in the Journal of the 28 August last.)

The commissioners present took the oath prescribed by the ninth Article of the Confederation, and recited in the commission, before the honorable Isaac Smith, esq. one of the justices of the supreme court of judicature of the State of New Jersey, a certificate of which was endorsed on the commission.

Adjourned till to-morrow morning ten of the clock.

The certificate endorsed on the commission is as follows:

I, Isaac Smith, esquire, one of the justices of the supreme court of judicature of the State of New Jersey, do hereby certify, that on the twelfth day of November, in the year of our Lord one thousand seven hundred and eighty two, personally appeared before me the honourable David Brearley and William Churchill Houston, esquires, and were severally sworn well and truly to hear and determine the matter in question between the States of Pennsylvania and Connecticut, agreeably to the tenor of the within commission, according to the best of their judgment, without favor, affection, or hope of reward. Dated at Trenton, the day and year above.

ISAAC SMITH

WEDNESDAY, 13 NOVEMBER, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires, and not being a quorum to proceed on business, adjourned till to-morrow morning ten of the clock.

THURSDAY, NOVEMBER 14, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till to-morrow morning ten of the clock.

FRIDAY, NOVEMBER 15, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till to-morrow morning ten of the clock.

SATURDAY, 16 NOVEMBER, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till Monday morning next, ten of the clock.

MONDAY, 18 NOVEMBER, 1782

The court met pursuant to adjournment, and opened in form. Present, the honourable William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, and Cyrus Griffin, esquires.

The honourable William Whipple, Welcome Arnold, and Cyrus Griffin, esquires, took the oath prescribed by the 9th Article of the Confederation, and recited in the commission, before the honourable David Brearley, esquire, chief justice of the State of New Jersey, a certificate whereof was endorsed on the commission.

John Neilson, esquire, was appointed clerk.

The court adjourned till to-morrow morning ten of the clock.

The certificate endorsed on the commission is as follows:

I, David Brearley, esquire, chief justice of the State of New Jersey, do hereby certify that on the eighteenth day of November, in the year of our Lord one thousand seven hundred and eighty two, personally appeared before me the honourable William Whipple, Welcome Arnold, and Cyrus Griffin, esquires, and were severally sworn well and truly to hear and determine the matter in question between the States of Pennsylvania and Connecticut, agreeably to the tenor of the within commission, according to the best of their judgment, without favor,

affection, or hope of reward. Dated at Trenton, the day and year above.

DAVID BREARLEY.

TUESDAY, 19 NOVEMBER, 1782

The court met pursuant to adjournment. Present, the honourable William Whipple, president; Welcome Arnold, William Churchill Houston, Cyrus Griffin and David Brearley, esquires.

John Neilson, esquire, took the oath of office as clerk of the court.

Proclamation was made for all persons concerned to attend the court and be heard.

William Bradford, jun. Joseph Reed, James Wilson, and Jonathan Dickinson Sergeant, esquires, appearing as agents, and Henry Osborne, esquire, as solicitor for the State of Pennsylvania, produced their credentials and powers as recited in the journals of Congress, in these words:

(Here follows the powers as recited in the Journal of Congress of the 16 July, 1782:)

Which being read, were accepted by the court, and their appearance accordingly entered for the State of Pennsylvania.

Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires appearing as agents for the State of Connecticut, produced their credentials and powers as they here follow:

Be it known, that we, the governor and company of the (L. S.) State of Connecticut, in America, have authorised, constituted and appointed, and by these presents do constitute, authorise and appoint the honorable Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires our agents, procurators and attorneys, in our name and behalf to appear, and us to represent, before the honorable court of commissioners, constituted, appointed and commissioned by the Congress of the United States, pursuant to the ninth Article of Confederation to be holden at Trenton, in New Jersey, on the twelfth day of November instant and at all other times and places where said court may be holden, to hear, judge and determine the controversy subsisting between the State of Pennsylvania and the State of Connecticut, respecting the title, jurisdiction, possession and claim, to a certain territory of country, contained within the bounds and limits of the royal charter and patent of his Majesty King Charles the second, to the Governor and company of the late English colony of Connecticut, claimed by the State of Pennsylvania. And we do by these presents give and grant to our

said agents and attorneys, the said Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires, or either two of them, full and ample powers of attorney and procuration, for us and in our name and stead to pursue, implead, answer and defend, in all and singular, the questions, matters and things that shall be moved, or any way come before said court, relative to the controversy aforesaid; and to solicit, move, act and transact, in all things whatsoever which shall be found requisite and fitting, on the part of us the said Governor and company of the State of Connecticut, as fully and in as ample a manner as we ourselves might or could do, until final judgment shall be had and rendered in the premises. And we do hereby engage to hold good and valid in the law, what our said attorneys shall do in the premises in pursuance of the powers herein given to them, and the instructions they may, from time to time, receive from us, and to ratify and confirm the same, with power to employ counsel learned in the law as they shall judge needful. In testimony whereof, the governor has signed these our letters of attorney and procuration, and caused the seal of our said State to be affixed to them.

Done at Lebanon, in our said State, this first day of November, in the year of our Lord one thousand seven hundred and eighty-two, and in the seventh year of the independence of the United States of America.

JONATHAN TRUMBULL.

By his Excellency's command:
GEORGE WYLLYS, *Secretary*.¹

Which being read, were accepted by the court, and their appearance accordingly entered for the State of Connecticut.

A motion was made by the agents for the State of Connecticut, that the petition preferred by the executive council of the State of Pennsylvania to the United States in Congress assembled, praying that a court might be appointed for deciding the controversy subsisting between the said State and the State of Connecticut, or an authentic copy thereof, should be produced and read; which after argument was over-ruled by the court.

A motion in writing was then offered by the agents of the State of Connecticut, in the words following:

TRENTON, *November, A. D. 1782.*

State of New Jersey, ss.¹

At a court of commissioners for the trial of the cause between the States of Connecticut and Pennsylvania, relative to the jurisdiction

¹ The original is in the *Papers of the Continental Congress*, No. 77, folio 25.

and property in certain lands lying west of Delaware river, within the charter boundaries of said States.

The agents for the State of Connecticut, saving to themselves all advantages of other and further defence in said cause, beg leave to suggest, inform, and give the court to understand that there are many persons who are tenants, in possession of the lands in controversy, holding, improving and claiming large quantities of said land, under titles from the States of Pennsylvania and Connecticut respectively, particularly the two large companies of Delaware and Susquehanna, consisting of more than two thousand persons, many of whose people are in, possessing, improving and holding large tracts of said lands in controversy, under title from the State of Connecticut, whose titles under said States respectively will be materially affected by the decision in this case, yet have not been cited or any way legally notified to be present at said trial to defend their titles respectively, which, by the rules of proceeding in a course of justice, ought to be done before any farther proceedings are had in said case; and thereupon said agents move this honorable court to cause said companies of Delaware and Susquehanna, and other tenants in possession, holding under title from either of said states, to be duly cited in some proper and reasonable manner, to appear and defend at said trial, if they see cause, before any farther proceedings are had in said cause; and of this they pray the opinion of this honorable court.

E. DYER,
WM. S. JOHNSON,
J. ROOT,
*Agents for Connecticut.*¹

After argument, the court adjourned till to-morrow ten of the clock.

WEDNESDAY, 20 NOVEMBER, 1782

The court met; present as yesterday.

The court gave their opinion on the motion of yesterday, made in writing by the agents of Connecticut.

That the same cannot be admitted according to the construction of the ninth Article of the Confederation, and the tenor and design of the commission under which they act.

A motion was made by the agents for the State of Pennsylvania, in the words following.

¹ This motion of the Connecticut agents is in the *Papers of the Continental Congress*, No. 77, folio 29.

NOVEMBER 20, 1782

The agents of Pennsylvania, apprehending that the agents of Connecticut design to move the court to postpone or put off the determination of the cause now depending before them, do give notice to the said agents for Connecticut, in the presence of the court, that they, the said agents of Pennsylvania, will oppose any motions of that nature being made after the evidence on the part of Pennsylvania has been opened, or the merits of the cause entered upon; and if the said agents for Connecticut propose to make any such motion, the agents for Pennsylvania do express their willingness that time be given them for that purpose.

WM. BRADFORD, JUN.
 JOS. REED,
 JAMES WILSON,
 JONA. D. SERGEANT.¹

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 21 NOVEMBER, 1782

The court met; present as before.

A motion was made by the agents for the State of Connecticut, in these words:

TRENTON, NEW JERSEY, *November, 1782.*

Court of Commissioners, case Pennsylvania, v. Connecticut.

And now the agents of the State of Connecticut, unwilling to give any unnecessary delay, but considering the magnitude of this cause, its length and intricacy, and the high importance that it should be thoroughly investigated, and not only justly determined, but in a manner satisfactorily to the parties concerned; and the State of Pennsylvania, not having yet filed any declaration or state of their claim in this court, whereby the agents for Connecticut can know what the demands of Pennsylvania are, or what they have to answer to, and knowing that there are many exhibits and proofs which will be essentially necessary in the course of said cause, which we have not, nor hath it been in our power to procure, viz. a certain original deed from the Indians, of a large parcel of the lands in dispute, obtained from their chiefs and sachems at their council fire in Onondaga, in A. D. 1763, which is now in England, left there before the commence-

¹ This motion of the Pennsylvania agents is in the *Papers of the Continental Congress*, No. 77, folio 33.

ment of the present unhappy war, and which we have never since been able to obtain; and other necessary evidence and proofs, which on examination we find we are not at present possessed of, which may be wanted in the course of said trial, and not yet knowing what concessions may be made on the part of Pennsylvania, do consent to proceed in the trial of said cause; at the same time reserving to ourselves the right of moving in any stage of said trial, to have the same postponed, as the nature and exigencies of the case may require, and that the agents for Pennsylvania have on their part the same advantages, and that this motion be made parcel of the files of this honorable court.

E. DYER,
W. S. JOHNSON,
J. ROOT,
*Agents for Connecticut.*¹

Whereupon, the agents for the State of Pennsylvania moved as follows:

The agents of Pennsylvania, in answer to the written motion preferred by the agents of Connecticut, do say, that they are now ready, and have been for some time, to exhibit their claim on the part of Pennsylvania, but have been delayed by the expectation founded on the promise made in the presence of the court by the agents of Connecticut, to file their claim at the same time. Yet they say in answer to that part of the said motion which claims the right of moving in any stage of the trial to have the same postponed, that the court ought not to hear and admit any motion to postpone the trial after the same has begun and proceeded to a hearing of the merits of the cause; and of this they pray the opinion of the court.

WM. BRADFORD, Jun.
JOS. REED,
JAMES WILSON,
JONA. D. SERGEANT.²

21 November, 1782.

After argument the court adjourned till to-morrow ten of the clock.

FRIDAY, 22 NOVEMBER, 1782

The court met: present as before.

The court order the motions now before them in writing to be filed.

¹ This motion of the Connecticut agents is in the *Papers of the Continental Congress*, No. 77, folio 35.

² This motion of the Pennsylvania agents is in the *Papers of the Continental Congress*, No. 77, folio 37.

The agents for Pennsylvania laid before the court the following state and representation:

To the honorable the commissioners and judges appointed to hear and finally determine the controversy subsisting between the State of Pennsylvania and the State of Connecticut. The agents of the State of Pennsylvania beg leave humbly to state and represent in behalf of the said State,

1st. That King Charles the Second, then king of Great Britain, on the 4th day of March, in the year of our Lord one thousand six hundred and eighty-one, by his letters patent, dated on the same day and year aforesaid, did grant to William Penn, the first proprietary and governor of Pennsylvania, his heirs and assigns, "all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by Delaware river, from twelve miles distance northwards of Newcastle town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward; but if the said river shall not extend so far northward, then by the said river so far as it doth extend, and from the head of the said river the eastern bounds are to be determined by a meridian line to be drawn from the head of the said river unto the said forty-third degree; the said land to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from Newcastle, northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westwards to the limits of longitude above-mentioned." By which letters patent the jurisdiction and right of government within the limits aforesaid, and also the right of soil were conveyed, and under which Pennsylvania hath been held, settled and possessed.

2d. That the said William Penn, and the succeeding proprietaries of Pennsylvania, at different periods, purchased from the native Indians their right of soil within different districts of the limits aforesaid, and received deeds from them for the same, and particularly on the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and thirty-six, the said Indians conveyed to Thomas Penn and Richard Penn, the then proprietaries of Pennsylvania, the full and absolute right of preemption of and in all the lands not before sold by them to the said proprietaries within the limits aforesaid.

3d. That the southern bounds of Pennsylvania, so far as the same adjoins on Maryland, have been long since settled; and the same, so far as the State adjoins upon Virginia, have also been settled of late by a line, called Mason and Dixon's line, continued to the end of five degrees of longitude from the river Delaware; that the northern bounds have always been deemed to extend to the end of the forty-second degree, where the figures 42° are marked on the map, the river Delaware being found to extend so far north, and farther; that the said river, pursuing the east or main branch thereof above the forks at Easton, hath ever been deemed to be one boundary of Pennsylvania, from twelve miles above Newcastle, on the said river, to the said end of the forty-second degree, and that a straight line, from thence to the place where the same shall intersect another straight line, drawn from the end of the said southern line of boundary of Pennsylvania, commonly called Mason and Dixon's line, continued to the extent of five degrees of longitude from the river Delaware, is another boundary of the said State of Pennsylvania.

4th. That the late province of Pennsylvania, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, did join with the other twelve, late provinces, now states, in the Declaration of Independence, and soon after established a constitution and government founded on the authority of the people, which they continue still to exercise and enjoy; and they did also join in the Articles of Confederation of the United States; and that being so independent and sovereign, on the twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, they did by an act of their legislature, consisting of the representatives of the freemen of the said Commonwealth of Pennsylvania in general assembly met, duly made and passed according to the directions of their frame of government, vest the right of soil and estate of the late proprietaries of Pennsylvania in the said Commonwealth; and that by means thereof, and of the several matters and things herein before set forth, the said Commonwealth, or State of Pennsylvania, is entitled to the right of jurisdiction, and right of soil within all the limits aforesaid.

5th. That, nevertheless, sundry persons pretending to claim under the late colony, now State of Connecticut, before the Revolution, have violently settled themselves within the limits aforesaid, and the colony of Connecticut by an act of their legislature, made and passed a short time before the Revolution, have encouraged the said violent settlement and intrusion, and asserted their claim as a colony

to a large part of the lands within the limits aforesaid, as well in point of jurisdiction as territory; and that since the Revolution, the said intrusions are continued and daily increased by the said persons pretending to claim under the State of Connecticut, and the claim of the said State is by the said State still continued and persisted in, and the jurisdiction of the said State actually asserted and exercised, within a part of the State of Pennsylvania, in defiance of all law and justice.

Wherefore the said agents do humbly pray, that this honorable court taking into consideration the premises, as well as all other matters and proofs that may be alleged and shewn on the part of Pennsylvania and of Connecticut before you, you will proceed agreeably to the tenor of the ninth Article of the Confederation, to determine and decide in the premises according as to right and justice shall be found to appertain.

WILLIAM BRADFORD, Jun.
JOS. REED,
JAMES WILSON,
JONA. D. SERGEANT.¹

20 November, 1782.

The agents for Connecticut also exhibited to the court a state of the case on the part of Connecticut, as follows:

The state of the case on the part of Connecticut, exhibited to the honorable court of commissioners at Trenton, November, A. D. 1782.

A. D. 1497. Sebastian Cabot, a subject of England, was employed by Henry the seventh, King of England, to discover a north west passage to China, and in that service, in or about the year one thousand four hundred and ninety-seven, he discovered all the north east coast of America, from Cape Florida, in twenty-five degrees north latitude, to sixty-seven degrees and an half, by which the crown of England became entitled thereto, so far as the right of first discovery could entitle. A. D. 1620, King James the first, in the eighteenth year of his reign, by letters patent, under the great seal of England, gave the name of New England, in America, to all that circuit, continent and limits in America, in breadth, from forty degrees of northerly latitude from the equinoctial line to forty-eight degrees of said northerly latitude, and in length, by all the breadth throughout the main land from sea to sea, with all the rivers, seas, &c. within the

¹ The Pennsylvania statement is in the *Papers of the Continental Congress*, No. 77, folios 39-47.

same degrees of latitude and longitude; and incorporated the Duke of Lenox, and divers other persons, by the name of the council established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New England, in America; and to them and their successors, grants all the lands, &c. viz. that aforesaid part of America, lying and being in breadth from forty degrees of northerly latitude, from the equinoctial line to forty-eight degrees of the said northerly latitude, inclusively, and in length, of and within all the breadth aforesaid throughout the main lands, from sea to sea, together also with all the firm lands, soils, grounds, &c. and all and singular other commodities, jurisdictions, royalties, privileges, franchises and pre-eminences, both within the said tract, upon the land upon the main, and also within the said islands and seas adjoining: Provided always, that the said islands or any of the premises herein before mentioned, and by these presents intended and meant to be granted, were not actually possessed or inhabited by other Christian prince or state, nor within the bounds, limits or territories of that southern colony heretofore by us granted, to be planted by divers of our loving subjects in the south part. And did further command and authorise the said council and their successors, or the major part of them, to distribute, convey, assign, and set over such particular portions of said lands, tenements and hereditaments, to such subjects, adventurers and planters, as they should think proper, respect being had as well to the proportion of the adventurers as to the special hazard, exploit or merit of any person to be recompensed, advanced or rewarded.

March 19, 1628. The said council of Plymouth granted to Sir Henry Roswell, &c. their heirs and assigns, and their associates forever, all that part of New England, in America aforesaid, which lies and extends between a great river, there commonly called Monomack, alias Merrimack, and a certain other river there, called Charles river, being in the bottom of a bay, called Massachusetts, alias Mattachusetts, alias Mattatusetts Bay, and all and singular those lands and hereditaments whatsoever, lying within the space of three English miles, on the south part of the said Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said bay, called Massachusetts, alias Mattachusetts, alias Mattatusetts Bay, and also all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river,

called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south, in latitude and in breadth, and in length and longitude of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic and Western sea and ocean on the east part, to the South sea, on the west part, and all the lands and grounds, &c. March 4, 1629, King Charles the first, by his letters patent, under the great seal of England, did grant and confirm unto the said Sir Henry Roswell, &c. their heirs and assigns, and their associates, all the said part of New England, in America, lying and extending between the bounds and limits in the said indenture expressed, &c. Provided always, that if the said lands, islands, or any the premises before mentioned, and by the said letters patent, last mentioned, intended and meant to be granted, were, at the time of the granting of the said former letters patent, dated the third day of November, in the eighteenth year of the reign of his late Majesty, King James the First, actually possessed or inhabited by any other Christian prince or state, or were within the bounds, limits or territories of the said southern colony then before granted by the said king, to be planted by divers of his loving subjects in the south parts of America, that then the said grants should not extend to any such parts or parcels thereof, so formerly inhabited or lying within the bounds of the southern plantation as aforesaid. But as to those parts or parcels so possessed or inhabited by any such Christian prince or state, or being within the boundaries aforesaid, should be utterly void.

March 19, 1631. Robert Earl of Warwick, president of the council of Plymouth, by his deed, bearing date the 19th day of March, Anno Dom. 1631, did give, grant, bargain, sell and confirm unto the right honorable William Viscount Say and Seal, &c. their heirs and assigns, and their associates forever, all that part of New England, in America, which lies and extends itself from a river there called Narraganset, river, the space of forty leagues upon a straight line, near the seat shore, towards the south-west, west and by south, or west, as the coast lieth towards Virginia, accounting three English miles to the league; and also all and singular the lands and hereditaments whatsoever, lying and being within the lands aforesaid, north and south in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Western ocean to the South sea, and all lands and grounds, havens, rivers, waters, fishings and hereditaments whatsoever, lying within

the said space, and every part and parcel thereof, and also all the islands lying in America aforesaid, in the said seas or either of them, on the western or eastern coasts, or parts of the said tracts of land by these presents mentioned to be given and granted; to have and to hold, unto the said William Viscount Say and Seal, &c. their heirs and assigns, and their associates, to their only proper use and behoof for evermore.

The ~~Associates with Lord Say and Seal, &c.~~ Connecticut people established government, and soon after proceeded to settle on the land aforesaid, upon the right and as associates of the lords Say and Seal, &c. under the patents aforesaid, which lands they were afterwards vested with, having obtained the native right by purchase and conquest, and having settled many towns in the eastern part of said patent, and as far west as the Dutch possessions near Hudson's river, they as early as A. D. 1650, extended their claims and possessions on the west side of Delaware river, and made purchases of large tracts of lands of the Indians there.

In 1635, the said Plymouth company surrendered their patent to the crown.

April 23d, 1662. King Charles the second, by his letters patent under the great seal of England, bearing date the 23 day of April, Anno Dom. 1662, ordained, constituted, and declared John Winthrop, John Mason, Samuel Wyllis, and sixteen others by name, and all such others as then were or thereafter should be admitted and made free of the company and society of the colony of Connecticut, in America, should, from time to time, and for ever thereafter, be one body corporate and politic, in fact and in name, by the name of the governor and company of the English colony of Connecticut, in New England, in America, with certain powers, privileges and authorities; and therein granted to them and their successors, all that part of his dominions in New England, in America, bounden on the east by Narragansett river, commonly called Narragansett bay, where the said river falleth into the sea, and on the north by the line of the Massachusetts plantation, and on the south by the sea, and in longitude, as the line of the Massachusetts colony, running from east to west, that is to say, from the said Narragansett bay on the east, to the South sea on the west, with the islands thereunto adjoining, together with all the firm lands, &c. to have and to hold the same unto the said governor and company, their successors and assigns for ever, upon trust, and to and for the use and benefit of themselves and their associates, freemen of the said colony, their

heirs and assigns, to be holden of the king, his heirs and successors, as of his manor of East Greenwich, in free and common soccage, and not in capite or by knights' service.

Whereby the said governor and company became vested with the right of jurisdiction over, and seized of the crown title, and of the exclusive right of pre-emption to all the lands within the boundaries in said patent mentioned and described, excepting only such part of the same as was then actually in the possession of the Dutch: and in fact the lands in controversy, between the states of Pennsylvania and Connecticut, in this case, are contained within the said limits of said patent, viz. within a line drawn from the east side of a creek or river, called Momaroneck, where the fresh water falls into the salt, at high-water mark, west parallel to the south line of the patents to the Massachusetts aforesaid.

March 12, 1664. King Charles the second, by his letters patent, under the great seal of England, bearing date the 12th day of March Anno Dom. 1664, gave and granted unto his royal brother James, Duke of York, all that part of the main land in New England, beginning at a certain place, called and known by the name of Saint Croix, next adjoining to New Scotland, in America, and from thence extending along the sea coast, unto a place called Pennequie or Pennequid, and so up the river thereof to the furthestmost head of the same, as it tendeth northward, and extending from thence to the river Kenebequie, and upwards, by the shortest course, to the river called Canada, northward; and also all that island or islands, commonly called by the several name or names of Mattowacks, or Long Island, situate, lying and being towards the west of Cape Cod and the Narragansetts, abutting upon the main land between the two rivers there called and known by the names of Connecticut and Hudson's river; together also with the said river called Hudson's river, and all the land from the west side of Connecticut river to the east side of Delaware bay; and all the several islands, called or known by the names of Martin's Vineyard and Nantueks, otherwise Nantucket, together with all the lands, soils, islands, &c.

The Dutch and Swedes were at that time possessed of the lands belonging to the late colonies of New York and New Jersey, and had made considerable plantations and improvements there; which settlements aforesaid of the Dutch, &c. they contended were begun as early as in the year 1614, prior to the patent of the council of Plymouth.

April, 1664. King Charles the second, in April, 1664, made a conquest of the Dutch at New York; and a settlement of the line be-

tween the Duke of York's government, eastward, and the colony of Connecticut, became necessary.

April 26, 1664. His majesty having constituted and appointed Colonel Richard Nichols, Sir Robert Carr, knight, &c. his commissioners to visit the New England colonies, with full power and authority to hear, receive, examine and determine all complaints and appeals, and proceed in all things for providing for and settling the peace of said country; they did accordingly settle and determine as follows, viz.

November 30, 1664. By virtue of his Majesty's commission, we have heard the difference about the bounds of the patent granted to his royal highness the Duke of York, and to his Majesty's colony of Connecticut; and having deliberately considered the reasons alleged by Mr. Allen, senior, Mr. Gold, Mr. Richards and Captain Winthrop, appointed by the assembly held at Hartford, the 13th of October, 1664, to accompany John Winthrop, esq. the governor of his Majesty's colony of Connecticut, to New York, and by Mr. Howell and Captain Young, why the said Long Island should be under the government of Connecticut, which are too long here to be recited. We do declare, and order the southern bounds of his Majesty's colony, is the sea; and that Long Island is to be under the government of his royal highness the Duke of York, as is expressed by plain words in said charters respectively. And also by virtue of his Majesty's commission, and by the consent of both the governors and the gentlemen above named; we do also order and declare, that the creek or river which is called Monoromock, which is reputed to be about twelve miles to the east of West Chester, and a line to be drawn from the east point or side where the fresh water falls into the salt, at high-water mark, north north-west, to the line of the Massachusetts, be the western bounds of the said colony of Connecticut: and all plantations lying westward of that creek and line so drawn, shall be under his royal highness's government; and all the plantations lying eastward of that creek and line, to be under the government of Connecticut.

To this the commissioners therein mentioned from Connecticut, subscribed in the words following, viz. "We underwritten, on behalf of the colony of Connecticut, have assented unto the determination of his Majesty's commissioners, in relation to the bounds and limits of his royal highness the duke's patent, and the patent of Connecticut."

June, 1673. In June, 1673, New York and its territories were recovered by the Dutch, and their government revived again. In 1674,

on a treaty of peace between the English and Dutch, signed at Westminster, the English government was restored. June, 29, 1674: June 29, A. D. 1674, the Duke of York obtained a renewal of his patent. The duke's governor being uneasy at the former settlement of the line, claimed a resettlement of the same; and after various negotiations and agreements, between November 23d, 1683, and 1733, the line between the duke's government, and the government of the colony of Connecticut, was finally settled, beginning at Biram river, at the sea, a few miles east of the former settlement of said line, and to extend northward to the line of the Massachusetts, as in said settlement is expressed.

King Charles the second, by his letters patent, bearing date the thirty-first year of his reign, gave and granted unto William Penn, his heirs and assigns, all that tract or parcel of land in America, with all the islands therein contained, as the same is bounded on the east of Delaware river, from twelve miles northward of New Castle town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward, but if the said river doth not extend so far northward, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river unto the said three and fortieth degree. The said lands to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from New Castle, northwards and westwards, unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above-mentioned: to have, hold, possess and enjoy, unto the said William Penn, his heirs and assigns, &c., the northern part of the bounds and limits of which grant interferes with and spreads over some parts of the western lands before granted to the colony of Connecticut, and confirmed by the renewed charter or patent aforesaid, from King Charles the Second, for about the space of one degree of latitude through the whole breadth of the said grant, being nearly the forty-second degree of north latitude, which occasions the present controversy; of which interference the said William Penn had notice at the time of taking out his patent aforesaid.

The colony of Connecticut, in A. D. 1753, having located and settled all their lands within their patent east of New York, and being in a

condition to extend their settlements on the other part of their patent aforesaid, to the westward of Delaware river which lay in a wilderness state, and possessed only by the Indians; certain companies of adventurers, chiefly from said colony, agreed together to purchase the native right to said lands of the Indians, and to extend the settlements of the colony of Connecticut on the western parts of said patent, and accordingly did, under countenance of the authority of said colony, at different times, make sundry purchases of large tracts of lands of the Indians, native proprietors of said lands, on the Susquehanna and Delaware river, within the limits and bounds of the patent to the governor and company aforesaid; and in A. D. 1754, said companies of adventurers proceeded and made settlements on said lands so purchased as aforesaid, and ever since have, though with various interruptions, continued to hold and possess the same under the title of the colony of Connecticut. And the legislature of the colony of Connecticut have approved of the purchases and settlements of the adventurers aforesaid, and have actually erected and exercised jurisdiction in and over said territory, as part and parcel of said colony.

All which rights, powers, privileges and jurisdictions aforesaid, of the colony of Connecticut, on the late happy Revolution, remained as before, vested in the State of Connecticut.

And thereupon the agents for the State of Connecticut pray the judgment of this honorable court in their favour, that they may be quieted in the jurisdiction and property in and over the lands in dispute aforesaid.

ELIPHALET DYER,
WM. S. JOHNSON,
J. ROOT,
*Agents for Connecticut.*¹

The agents for the State of Pennsylvania having further prayed the opinion of the court on the written motions this morning ordered to be filed, the same was given as follows:

The court cannot determine what motions may or may not be proper to be made hereafter; at the same time they think it proper to inform the agents on both sides, that they mean to govern themselves by the principles of law, so far as they ought to apply in the present case.

The court adjourned till to-morrow ten of the clock.

¹ The Connecticut statement is in the *Papers of the Continental Congress*, No. 77, folios 1-19.

Journals of Congress

SATURDAY, 23 NOVEMBER, 1782

The court met: present as before.

A motion was made by the agents for the State of Connecticut, in the words following:

TRENTON, *November 23, 1782.*

Pensylvania v. Connecticut.

The agents for the State of Connecticut, sensible that in the course of this trial they will have occasion to make use of many depositions, taken before a justice of the peace according to the laws of the State in which they were taken, respecting the purchase of the Indian sachems, native proprietors of said lands, their deeds and the execution of them, the settlements that have been made on said lands and sundry other matters which will be necessary in said trial, beg leave now to move for the opinion of the court, whether such depositions, taken as aforesaid, will be admitted as evidence in the case.

DYER,
JOHNSON,
ROOT,
*Agents.*¹

Which being followed by a motion from the agents for the State of Pensylvania, in these words:

NOVEMBER 23, 1782

The agents for Pensylvania, in reply to the written motion just filed by the agents for Connecticut, praying the opinion of the court respecting the admissibility of testimony, before the court proceeds upon a hearing of the cause, and before the testimony be regularly offered, humbly beg leave to object to the same motion, as irregular and unprecedented, and such as the court ought not to decide upon, and of this they pray the opinion of the court.

WM. BRADFORD, JUN.
JAMES WILSON,
JONA. D. SERGEANT.²

The court determined, that they can give no opinion upon the admission of testimony until regularly offered.

The agents for the State of Pensylvania, gave the following notice in writing, viz.

¹ This Connecticut motion is in the *Papers of the Continental Congress*, No. 77, folio 49.

² This Pennsylvania motion is in the *Papers of the Continental Congress*, No. 77, folio 51.

Pensylvania v. Connecticut.

The agents for Pensylvania, anxious for the speedy determination of this cause, and desirous that the agents for Connecticut may have no reason to complain of hardship or surprize, do hereby, in the presence of the court, give notice to the said agents for Connecticut, that they shall conceive it their duty to oppose the admission of any *ex parte* depositions, as evidence in this cause; and that they shall object to any application for a commission to take the examination of witnesses, and to any motion for delaying this cause on the account of the absence of witnesses, unless such motion or application be forthwith made, so as to avoid unnecessary delay.

WM. BRADFORD, Jun.
JAMES WILSON,
JONA. D. SERGEANT.¹

23 November, 1782.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, NOVEMBER 25, 1782

The court met pursuant to adjournment: present as before.

The agents for the State of Connecticut made the following answer to the notice given by the agents for the State of Pensylvania, on Saturday last, viz.

Pensylvania v. Connecticut.

Now the agents for Connecticut, in answer to the notice given them by the agents for Pensylvania on the 23d instant say, that they being desirous of a just as well as a speedy decision of this cause, and that they, relying on the wisdom, equity and justice of this honorable court, that all questions and motions which shall come before them will be righteously determined, are ready to proceed. And that the agents for Pensylvania may not suffer any disadvantage by first disclosing their exhibits and evidence, the agents of Connecticut are willing, and now offer to go forward in their exhibits and proofs.

ELIPHALET DYER,
JESSE ROOT,
WM. SAMUEL JOHNSON,
*Agents for Connecticut.*²

November 25, 1782.

¹ This notice by the agents of Pensylvania is in the *Papers of the Continental Congress*, No. 77, folio 53.

² This answer to the notice of the Pensylvania agents is in the *Papers of the Continental Congress*, No. 77, folio 55.

Ordered, That the agents for the State of Pennsylvania proceed with their proofs and exhibits.

Whereupon, Mr. Bradford opened the cause, and proceeded accordingly.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 26TH NOVEMBER, 1782

The court met: present as before.

The proofs and exhibits continued on the part of Pennsylvania.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 27TH NOVEMBER, 1782

The court met: present as before.

Farther proofs and exhibits on the part of Pennsylvania.

The court adjourned till Friday morning next, ten of the clock.

FRIDAY, 29TH NOVEMBER, 1782

The court met: present as before.

The agents for the State of Connecticut proceeded to the proofs and exhibits on the part of the said State.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 30TH NOVEMBER, 1782

The court met: present as before.

The proofs and exhibits continued on the part of Connecticut.

The court adjourned till Monday morning next, ten of the clock.

MONDAY, 2D DECEMBER, 1782

The court met: present as before.

On motion of the agents for the State of Pennsylvania,

Ordered, That a commission do issue to take the deposition of the right honorable William, Earl of Stirling, the agents of Connecticut having notice thereof.

Farther proofs and exhibits on the part of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 3D DECEMBER, 1782

The court met: present as before.

The agents of Pennsylvania, in order to remove the doubts which were suggested by the agents of Connecticut, and entertained by some

of the members of the court, as to their former powers, produced a new commission of agency, which is in the words following:
 Pennsylvania, ss.

In the name and by the authority of the freemen of the Commonwealth of Pennsylvania:

The president and supreme executive council of the said Commonwealth:

To William Bradford, jun. esquire, attorney-general of the said Commonwealth, Joseph Reed, James Wilson, Jonathan Dickinson Sergeant, and Henry Osborne, esquires.

(L. S.) We, reposing especial trust and confidence in your prudence, integrity and abilities, do by

John Dickinson. these presents constitute and appoint you, the said William Bradford, jun. Joseph Reed, James

Wilson and Jonathan Dickinson Sergeant, our counsellors and agents, and you the said Henry Osborne, our solicitor and agent, in the cause now depending before the honorable the commissioners and judges, appointed by virtue of the ninth Article of the Confederation of the United States of America, to hear and finally determine the controversy subsisting between the Commonwealth of Pennsylvania and the State of Connecticut: hereby ratifying and confirming all, and whatsoever you our said counsellors and agents, or any two of you, shall lawfully do or cause to be done, or heretofore have lawfully done or caused to be done, touching the said cause between the said states of Pennsylvania and Connecticut.

Given in council, under the hand of the president and the seal of the State, at Philadelphia, this thirtieth day of November, in the year of our Lord one thousand seven hundred and eighty-two.

Attest:

T. MATLACK, *Secretary*.¹

The agents for the State of Connecticut continued their proofs and exhibits.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 4TH DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Connecticut, continued.

The agents for the State of Connecticut, having offered in evidence the proofs or attestation annexed to a certain deed, signed by Kahick

¹ This commission of agency is in the *Papers of the Continental Congress*, No. 77, folio 71.

Toton and other Indians, dated 11 July, 1754; which deed had yesterday been admitted to be read; the agents for the State of Pennsylvania objected to the reading of the said proofs and attestation, alleging that they contained sundry circumstances relating to the manner of obtaining the said deed, which were improper to be given in evidence; whereupon, after argument, the court ruled that the same be read.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 5TH DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Connecticut, continued:

On motion of the agents for the State of Pennsylvania,

James Van Acken, esq. of that State, was sworn to give evidence in the cause.

The court adjourned until to-morrow morning ten of the clock.

FRIDAY, 6TH DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Pennsylvania, resumed.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 7TH DECEMBER, 1782

The court met: present as before.

Proofs and exhibits, on the part of Pennsylvania, continued.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 9TH DECEMBER, 1782

The court met: present as before.

Proofs and exhibits, on the part of Pennsylvania, concluded.

Proofs and exhibits, on the part of Connecticut, resumed and concluded.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 10TH DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Pennsylvania, and on the part of Connecticut, being finished,

Ordered, That the agents proceed in the arguments alternately, and that one conclude on the part of the State of Pennsylvania.

Mr. Root, one of the agents for the State of Connecticut, proceeded to argue the cause.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 11TH DECEMBER, 1782

The court met: present as before.

Mr. Sergeant proceeded with the argument on the part of the State of Pennsylvania.

The honorable Samuel Wharton and Richard Peters, esquires, were produced as witnesses by the agents for the State of Pennsylvania, and their evidence taken.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 12 DECEMBER, 1782

The court met: present as before.

Mr. Sergeant continued the argument on the part of the State of Pennsylvania.

His Excellency Governor Livingston was produced as a witness by the agents for the State of Pennsylvania, and his evidence taken.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 13 DECEMBER, 1782

The court met: present as before.

Mr. Dyer proceeded with the argument on the part of the State of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 14 DECEMBER, 1782

The court met: present as before.

Mr. Dyer continued the argument on the part of the State of Connecticut.

Mr. Wilson proceeded with the argument on the part of the State of Pennsylvania.

The court adjourned until Monday morning next, ten of the clock

MONDAY, 16 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 17 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 18 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 19th DECEMBER, 1782

The court met: present as before.

Mr. Wilson continued the argument on the part of the State of Pennsylvania.

The court adjourned to six o'clock this afternoon.

SIX O'CLOCK P. M.

The court met: present as before.

Mr. Wilson continued the argument on the part of the State of Pennsylvania.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 20 DECEMBER, 1782

Mr. Wilson continued the argument on the part of the State of Pennsylvania.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 21 DECEMBER, 1782

The court met: present as before.

Mr. Johnson proceeded with the argument on the part of the State of Connecticut.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 23 DECEMBER, 1782

The court met: present as before.

Mr. Johnson continued the argument on the part of the State of Connecticut.

The court adjourned to six o'clock this afternoon.

SIX O'CLOCK P. M.

The court met: present as before.

Mr. Johnson concluded the argument on the part of the State of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 24 DECEMBER, 1782

The court met: present as before.

Mr. Reed proceeded with the argument on the part of the State of Pennsylvania.

The court adjourned to six o'clock this afternoon.

SIX O'CLOCK P. M.

The court met: present as before.

Mr. Reed concluded the argument on the part of the State of Pennsylvania.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 25 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 26 DECEMBER, 1782

The court met: present as before.

The commission for taking the deposition of the right honorable William, Earl of Stirling, being returned with the deposition annexed:¹

Ordered, That the same be filed.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 27 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 28 DECEMBER, 1782

The court met: present as before.

The court adjourned till Monday morning next, ten of the clock.

MONDAY, 30 DECEMBER

The court met: present as before.

The agents attending, the court pronounced the following sentence or judgment:

This cause has been well argued by the learned counsel on both sides. The court are now to pronounce their sentence or judgment.

We are unanimously of opinion, that the State of Connecticut has no right to the lands in controversy.

¹ The commission, the interrogatories, and the deposition of the Earl of Stirling are in the *Papers of the Continental Congress*, No. 77, folios 57-69.

We are also unanimously of opinion, that the jurisdiction and pre-emption of all the territory lying within the charter boundary of Pennsylvania, and now claimed by the State of Connecticut, do of right belong to the State of Pennsylvania.

TRENTON, 30 December, 1782.

WM. WHIPPLE,
WELCOME ARNOLD,
WM. C. HOUSTON,
CYRUS GRIFFIN,
DAVID BREARLEY.¹

The court adjourned without day.

WM. WHIPPLE, *President*.

Attest:

JOHN NEILSON, *Clerk*.²

A motion was made by Mr. [Jonathan] Arnold, seconded by Mr. [John] Collins,

That the Secretary for foreign affairs be directed to transmit to the executive of the State of Rhode Island and Providence Plantations, certified copies of the following extracts of public letters from Europe, viz.

Extract of a letter from the Minister of the United States at the Court of Versailles, directed to the Secretary for Foreign Affairs, dated Passy, August 12, 1782.

"All ranks of this nation appear to be in good humor with us, and our reputation rises throughout Europe."

Extract of a letter from the Minister at the Court of Versailles, to the Secretary for Foreign Affairs, dated Passy, September 3, 1782.

"It affords me much satisfaction to find the conduct of Congress approved by all that hear, or speak of it; and to see all the marks of a constantly growing regard for us, and confidence in us, among those in whom such sentiments are most to be desired."

¹ The signed judgment of the court is in the *Papers of the Continental Congress*, No. 77, folio 81.

² A copy of these proceedings is in the *Papers of the Continental Congress*, No. 77, folios 246-285. The proofs and exhibits in the case are on folios 73-79. From this point to the end of the day, the proceedings of January 3 were entered only in the manuscript Secret (Domestic) Journal, and in Secret Journal, No. 8.

Extract of a letter from the Minister at the Court of Versailles, to the Superintendant of Finance, dated Passy, April 8, 1782, read in Congress, December 27, 1782.

“Our public affairs go on swimmingly in Holland.”

Extract of a letter from the Minister at the Court of Versailles, to the Superintendant of Finance, dated Passy, August 12, 1782, read in Congress, December 27, 1782.

“Your conduct, activity and address as financier and provider for the exigencies of the state, is much admired and praised here, its good consequences being so evident, particularly with regard to the rising credit of our country, and the value of bills.”

Extract of a Letter from the Minister of the United States at the Hague, to the Secretary for Foreign Affairs, dated Hague, July 5, 1782.

“Although I was obliged to engage with them for five millions of guilders, I don’t expect we shall obtain that sum for a long time. If we get a million and a half by Christmas it will be more than I expect.”

Extract of Letter from the Marquis de la Fayette to the Secretary for Foreign Affairs, dated Paris, October 5, 1782.

“In a letter from Mr. Adams to me, dated the Hague, September 29, I had the following intelligence: ‘We have at length the consent of all the cities and provinces, and have adjusted and agreed upon every article, word, syllable, letter, and point, in the treaty of commerce; and clerks are employed in making out fair copies for the signature, which will be done this week. Amidst the innumerable crowd of loans which are opened in this country, many of which have little success, I was afraid that ours would have failed. I have, however, the pleasure to inform you that I am at least one million and an half in cash, about three millions of livres, which will be an aid to the operations of our finances.’ From this it appears that Mr. Adams has

well employed his time in Holland, and I beg you will please to communicate this extract to Mr. Morris."

That the said secretary also transmit to the said executive certified copies of the several letters that have been received from Mr. Adams, the minister at the Hague, in the course of the last six months, as well as those from Mr. Dumas, and the sundry letters which have been received from the ministers at Versailles and Madrid, on the subject of loans, in the course of the year 1782, and of all other letters respecting applications for foreign loans, and the result thereof; and respecting which secrecy is not enjoined by Congress.¹

A motion was made by Mr. [Oliver] Wolcott, seconded by Mr. [Daniel] Carroll, to amend by prefixing the following preamble:

Whereas the Delegates of the State of Rhode Island have frequently interrupted and delayed the important business of Congress, by their solicitations to obtain certain extracts from letters received by Congress from their ministers, to have them transmitted to the State of Rhode Island; and whereas although such extracts being taken without the connection which they bear to other parts of such letters will be very liable to misguide those to whom such extracts shall be sent; yet considering the interruption which such frequent motions occasion to the necessary business of the United States,²
Resolved—

A motion made by Mr. [John Taylor] Gilman, seconded by Mr. ———, to amend the amendment, by

¹ This motion, in the writing of Jonathan Arnold is in the *Papers of the Continental Congress*, No. 36, II, folio 1. The indorsement states that it was seconded by Mr. [David] Howell. According to the record in Committee Books No. 186 and No. 191, the motions of Arnold, Rutledge, and Wolcott were committed on this day to Mr. [John Taylor] Gilman, Mr. [John] Rutledge, and Mr. [Oliver] Ellsworth; a report was delivered January 13 and passed on the 14th.

² This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 36, II, folio 9.

inserting before the words "the delegates," the words "some of."

A motion was then made by Mr. [John] Rutledge, seconded by Mr. [Benjamin] Hawkins, as follows:

Congress having, on the 20th December last, directed the secretary for foreign affairs to transmit to the executive authority of Rhode Island, an authenticated state of the several applications for foreign loans, and the result thereof—

Resolved, That the foregoing motions be postponed.¹

A motion was then made by Mr. [Alexander] Hamilton, seconded by Mr. [John Taylor] Gilman, that the whole be committed. And on the question for commitment, the yeas and nays being required by Mr. [David] Howell—

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Gilman,	ay	} ay	Mr. Mifflin,	ay	} ay	
White,	ay		Fitzsimmons,	ay		
<i>Massachusetts,</i>			Wilson,	ay		
Mr. Osgood,	ay	} ay	Montgomery,	ay		
Gorham,	ay		Peters,	ay		
<i>Rhode Island,</i>			<i>Delaware,</i>			
Mr. Collins,	no	} no	Mr. Dickinson,	ay	} ay	
Arnold,	no		Wharton,	ay		
Howell,	no		<i>Maryland,</i>			
<i>Connecticut,</i>			Mr. Carroll,	ay	} *	
Mr. Ellsworth,	ay	} ay	<i>North Carolina,</i>			
Wolcott,	ay		Mr. Hawkins,	ay	} ay	
Dyer,	ay		Nash,	ay		
<i>New York,</i>			Williamson,	ay	<i>South Carolina,</i>	
Mr. Floyd,	ay	} ay	Mr. Rutledge,	ay		} ay
Hamilton,	ay		Ramsay,	ay		
<i>New Jersey,</i>			Izard,	ay		
Mr. Boudinot,	ay	} ay	Gervais,	ay		
Elmer,	ay					
Condict,	ay					

¹ This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 5. The vote is indorsed on it.

So it was resolved in the affirmative.

The committee—Mr. [John Taylor] Gilman, Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth.

A motion was then made by Mr. [Samuel] Osgood, seconded by Mr. [Alexander] Hamilton, that the entry of this proceeding be made on the secret journal; and on the question to agree to this, the yeas and nays being required by Mr. [David] Howell—

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	} ay	Mr. Dickinson,	ay	} ay
White,	ay		Wharton,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	ay	} ay	Mr. Carroll,	ay	} *
Gorham,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Madison,	ay	} *
Mr. Collins,	no	} no	<i>North Carolina,</i>		
Arnold,	no		Mr. Hawkins,	ay	} ay
Howell,	no		Nash,	ay	
<i>Connecticut,</i>			Williamson,	ay	
Mr. Ellsworth,	no	} ay	Blount,	ay	
Wolcott,	ay		<i>South Carolina,</i>		
Dyer,	ay	Mr. Rutledge,	no	} div.	
<i>New York,</i>			Ramsay,		ay
Mr. Floyd,	ay	} ay	Izard,		ay
Hamilton,	ay		Gervais,		no
<i>New Jersey,</i>					
Mr. Boudinot,	ay	} ay			
Elmer,	ay				
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Mifflin,	ay	} ay			
Fitzsimmons,	ay				
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.

The Committee of the week [consisting of Mr. Oliver Wolcott, Mr. Benjamin Hawkins and Mr. Silas Condict, report,

That the Application of the Chevalier de Segond, late Captain in Count du Pulaski's Legion relative to some honourable testimonial of his services, and also respecting his pay be referred to the Secretary of War.¹

[MONDAY, JANUARY 6, 1783]

In pursuance of the Resolve of the 17th of June:

Mr. [Nathaniel] Gorham, Mr. [Jonathan] Elmer, Mr. [Samuel] Wharton, Mr. [Thomas] Fitzsimmons and Mr. [John Taylor] Gilman were appointed to enquire fully into the proceedings of the Department of Finance, including the several branches of the same, and report the result of their enquiry.

Mr. [John] Collins, Mr. [William] Blount, Mr. [Oliver] Wolcott, Mr. [David] Ramsay and Mr. [William] Floyd were appointed to enquire fully into the proceedings of the Agent of Marine and report the result of their enquiry.²

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 32, folio 301. According to the indorsement it was referred to the Secretary at War on this day.

On this day, as the indorsement states, was read the petition of proprietors of Loan Office Certificates in Connecticut, asking for payment of back interest, dated Norwich, December 18, 1782, and referred to Mr. [David] Howell, Mr. [Jonathan] Arnold and Mr. [Oliver] Ellsworth. It is in No. 42, II, folio 164. According to Committee Book, No. 186, the Committee was discharged April 28.

² These two committee appointments were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*; and in Committee Book, No. 186. According to the record in Committee Book, No. 186, the following committees were appointed the same day and in pursuance of the same resolve:

Mr. [John] Rutledge, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Phillips] White and Mr. [Alexander] Hamilton, to enquire fully into the proceedings of the Department of War and report the result of their enquiry. Mr. [Theodorick] Bland was afterward substituted for White on this committee. See *post*, October 11.

Mr. [James] Madison, Mr. [James] Wilson, Mr. [Ralph] Izard, Mr. [Oliver] Ellsworth and Mr. [Samuel] Osgood, to enquire into the proceedings of the Department for Foreign Affairs and report the result of their enquiry. This committee was discharged July 23.

Mr. [Hugh] Williamson, Mr. [John] Montgomery, Mr. [Philemon] Dickinson, Mr. [Eliphalet] Dyer and Mr. [Silas] Condict, to enquire fully into the proceedings of the Post Office and report. See *post*, May 5.

The committee on the Department of Finance was renewed, March 31, Mr. [Nathaniel] Gorham, Mr. [Thomas] FitzSimons, Mr. [William] Hemsley, Mr. [Arthur] Lee and Mr. [Stephen] Higginson being appointed on that day, and a report was delivered June 10 and entered.

The committee on the Agent of Marine was renewed April 28, Mr. [John] Collins, Mr. [William] Floyd, Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins and Mr.

Ordered, That a report of a committee, consisting of Mr. [John Lewis] Gervais, Mr. [Thomas] Fitzsimmons and Mr. [Oliver] Wolcott, on the letter of the 10th December from the Superintendent of Finance be referred back to the same Committee.¹

TUESDAY, JANUARY 7, 1783

On the report of a committee, consisting of Mr. [Thomas] Fitzsimmons, Mr. [James] Madison, and Mr. [Alexander] Hamilton, to whom was referred a report from the Secretary at War:

The Committee to whom was recommitted the letter of the 22d of December from the Secretary at War, submit the following resolution:

Resolved, That ~~Brigadier General Clinton be promoted to the rank of Major General and~~ Colonels John Groaton and Rufus Putnam, of the Massachusetts line, and Colonel Elias Dayton, of the Jersey line, ~~and Colonel Goose Van Schaick of the New York line,~~ be promoted to the rank of brigadier generals, agreeably to the resolution of the 12th day of December, 1782.²

[Thomas] Mifflin being appointed on that day. On July 23, the committee was again renewed, and the matter referred to Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins, Mr. [William] Ellery, Mr. [Samuel] Holten and Mr. [James] Duane, 'together with so much of a letter from the Superintendant of finance as relates, to his desire of being excused from executing the office.'

¹ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. According to the record in Committee Books No. 186 and No. 191, the Superintendent's letter related to "an allowance to T. Rutledge, purchasing commissary for S. Army," and the original committee, appointed December 11, 1782, consisted of Gervais, FitzSimons and Clark, Wolcott being afterward appointed in place of Clark. This committee delivered a report January 2, it was recommitted to them January 6, and they delivered a new report February 28. In No. 191, referring to the last report, Thomson makes the following note: "Mr. Rutledge has this report."

On January 6, according to the indorsement, a letter, of the 4th, from Richard Butler, Colonel Commanding, on the subject of prisoners of war was referred to the Secretary at War. It is in No. 78, IV, folio 365. Committee Book, No. 186, states the report was made January 15.

² This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 21, folio 313.

A grand committee, consisting of Mr. [John] Rutledge, Mr. [John Taylor] Gilman, Mr. [Jonathan] Jackson, Mr. [David] Howell, Mr. [Eliphalet] Dyer, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [Thomas] Fitzsimmons, Mr. [Thomas] McKean, Mr. [John] Hanson, Mr. [Arthur] Lee, Mr. [Hugh] Williamson, and Mr. [Edward] Telfair, to whom were referred a letter of 21 October, 1782, from the legislature of Massachusetts, and a motion of Mr. [Samuel] Osgood, having reported thereon as follows:

“That individuals in each State, who are possessed of Continental paper money, be entitled to receive from the commissioner who is or shall be appointed to settle the accounts of the several states, and of individuals therein, against the United States, a specie certificate for all such sums of the said money as they shall respectively pay into the hands of such commissioner, at the rate of one silver dollar for every ~~forty~~ continental dollars; the certificates to bear interest of six per cent. from the date, and be provided for as other public debts; but that no money shall be received or certificates granted by the said commissioners after the last day of December, 1783.

That the states which have not sunk the proportions assigned to them, of the Continental money, be charged with the deficiency, or the amount of what they have not sunk, at the rate aforesaid.”

And the said report being taken into consideration, a motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Daniel] Carroll, that the farther consideration be postponed; and on the question for postponing, the yeas and nays being required by Mr. [John Taylor] Gilman,¹

¹ This report and motion in the writing of Samuel Osgood, are in the *Papers of the Continental Congress*, No. 26, folio 459. See *ante*, December 24, 1782.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	no	} no	Mr. Mifflin,	ay	} ay
White,	no		Fitzsimmons,	no	
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Osgood,	no	} no	Montgomery,	ay	
Gorham,	no		Peters,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Collins,	no	} no	Mr. Dickinson,	ay	} ay
Arnold,	no		Wharton,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Ellsworth,	no	} no	Mr. Carroll,	ay	} *
Wolcott,	no		<i>Virginia,</i>		
Dyer,	no		Mr. Madison,	no	} *
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	ay	} ay
Hamilton,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} ay	Mr. Rutledge,	no	} div.
Elmer,	ay		Ramsay,	ay	
Condict,	ay		Izard,	ay	
		Gervais,	no		

So the motion was lost.

A motion was then made by Mr. [Oliver] Wolcott, seconded by Mr. [John Lewis] Gervais, that the consideration of the report be postponed to take up the following motion:

"That it be recommended to the several states, that they immediately take the most effectual measures to redeem their respective quotas of the old bills of public credit out of the hands of their possessors, upon such principles as will, in their opinion, render the most substantial justice to their own citizens and those of the United States:"¹

And on the question, the yeas and nays being required by Mr. [Oliver] Wolcott,

¹ This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress* No. 36, II, folio 7.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	no	} no	Mr. Mifflin,	ay	} ay
White,	no		Fitzsimmons,	no	
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Osgood,	no	} no	Montgomery,	ay	
Gorham,	no		Peters,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Collins,	no	} no	Mr. Dickinson,	no	} div.
Arnold,	no		Wharton,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Ellsworth,	ay	} ay	Mr. Carroll,	no	} *
Wolcott,	ay		<i>Virginia,</i>		
Dyer,	ay		Mr. Madison,	no	} *
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	ay	} div.	Mr. Hawkins,	no	} no
Hamilton,	no		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} ay	Mr. Rutledge,	no	} ay
Elmer,	ay		Ramsay,	ay	
Condict,	ay		Izard,	ay	
			Gervais,	ay	

So the question was lost.

A motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [John] Collins, that the blank in the report be filled with the word "forty:"

And on the question to agree to this, the yeas and nays being required by Mr. [Samuel] Osgood,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Gilman,	ay	} ay	Mr. Floyd,	no	} div.
White,	ay		Hamilton,	ay	
<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Osgood,	ay	} ay	Mr. Boudinot,	ay	} no
Gorham,	ay		Elmer,	no	
<i>Rhode Island,</i>			Condict,	no	
Mr. Collins,	ay	} ay	<i>Pennsylvania,</i>		
Arnold,	ay		Mr. Mifflin,	no	} no
<i>Connecticut,</i>			Fitzsimmons,	no	
Mr. Ellsworth,	no	} no	Wilson,	no	
Wolcott,	no		Montgomery,	no	
Dyer,	no		Peters,	no	

<i>Delaware,</i>			<i>North Carolina,</i>		
Mr. Dickinson,	no	} div.	Mr. Hawkins,	no	} no
Wharton,	ay		Williamson,	no	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Carroll,	no	} *	Mr. Rutledge,	no	} no
			Ramsay,	no	
<i>Virginia,</i>			Izard,	no	
Mr. Madison,	no	} *	Gervais,	no	

So the question was lost.

A motion was made by Mr. [Samuel] Osgood, seconded by Mr. [Jonathan] Arnold, that the blank be filled with "seventy-five:"

And on the question to agree thereto, the yeas and nays being required by Mr. [John Taylor] Gilman,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} ay	Mr. Mifflin,	no	} no
White,	ay		Fitzsimmons,	no	
<i>Massachusetts,</i>			Wilson,	no	
Mr. Osgood,	ay	} ay	Montgomery,	no	
Gorham,	ay		Peters,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Collins,	no	} div.	Mr. Dickinson,	no	} no
Arnold,	ay		Wharton,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Ellsworth,	no	} no	Mr. Carroll,	no	} *
Wolcott,	ay		<i>Virginia,</i>		
Dyer,	no		Mr. Madison,	no	} *
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	no	} no
Hamilton,	no		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} no	Mr. Rutledge,	no	} no ¹
Elmer,	no		Ramsay,	no	
Condict,	no		Izard,	no	
			Gervais,	no	

So the question was lost.

¹ This vote was entered in the Journal by George Bond.

[WEDNESDAY, JANUARY 8, 1783]

Resolved, The memorialists be informed, That it is not now in the Power of Congress to make a general arrangement for liquidating and paying the half pay due to the reduced officers, and that it would be inexpedient to make at this time a partial arrangement for that purpose; *that the memorialists be further informed, that the States have not yet furnished them with funds for paying the half pay due them.*¹

[THURSDAY, JANUARY 9, 1783]

Ordered, That a memorial of Capt: P. Leibert with vouchers be referred to the Superintendant of Finance.

That a letter of 9 January 1783 from the Superintendant of Finance be referred to Mr. [John] Rutledge, Mr. [Samuel] Osgood and Mr. [James] Madison to confer with him thereon and report.²

FRIDAY, JANUARY 10, 1783

The committee, consisting of Mr. [John] Rutledge Mr. [Samuel] Osgood and Mr. [James] Madison, to whom was referred a letter of January 9, 1783, from the Superintendant of finance, to confer with him thereon, report,

That they have conferred with the Superintendant, who communicated to them ~~under an injunction of secrecy~~ the subject referred to in his letter, (under their promise of secrecy) [until Congress shall direct them to communicate the same to them; and request the sense of Congress whether the committee shall now make such communication:] Whereupon,

¹ This undated motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, VI, folio 509. It is indorsed "deranged officers." On folio 505 is a petition of Pelatiah Webster and William Judd, dated January 7, 1783, on behalf of the deranged officers of the Connecticut line; and on folio 507 one of Pelatiah Webster, dated January 8, 1783, on behalf of the deranged officers of the Massachusetts line. According to Committee Book No. 186, both petitions were referred to a Grand Committee, January 8, and a report was delivered February 27.

A letter of January 7, from Thomas Edison, praying for relief, was read in Congress January 9, and ordered to lie, according to the indorsement. It is in No. 78, VIII, folio 397.

² These orders were entered only in the journal kept by the Secretary of Congress or the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

Ordered, that the committee make the communication.

The committee made the communication and it was by an unanimous vote ordered to be kept secret.

The committee then informed Congress, that he has been under the necessity of drawing bills to an amount beyond the known funds procured in Europe, owing to sundry large sums which were not known to him, or not taken into his estimates, having been paid out of the sums obtained:

That the loans come in so slow that he cannot comply with his contracts and obligations nor provide for the maintenance of the army without continuing to draw.

Whereupon,

Resolved unanimously, That the superintendant of finance be and he is hereby authorised to draw bills of exchange, from time to time, according to his discretion upon the credit of the loans which the ministers of the United States have been instructed to procure in Europe, for such sums, not exceeding the amount of the money directed to be borrowed, as the publick service may require.¹

Resolved unanimously, That the whole of this matter be kept secret.²

[MONDAY, JANUARY 13, 1783]

The Committee to whom was referred the letter from the Quarter Master General of the 4th of December last have conferred with him, find that there are several omissions in the plan adopted by Congress the 23^d of October last for regulating the Quarter Master's Department, and are of opinion that some of the salaries of particular Officers therein are reduced too low.

¹ This report, in the writing of Charles Thomson, except the part in parenthesis which is in the writing of John Rutledge and the part in brackets which is in that of James Madison, is in the *Papers of the Continental Congress*, No. 31, folio 339. The letter of the Superintendent of finance is in No. 137, II, folio 107.

² The proceedings for January 10 were entered only in the manuscript Secret (Domestic) Journal, and in Secret Journal No. 8. In No. 8, the entry appears after that for February 20.

They therefore recommend that the resolutions of the aforesaid 23^d of October be repealed, that the following plan be substituted in their place.¹

TUESDAY, JANUARY 14, 1783

The committee, consisting of Mr. [John Taylor] Gilman, Mr. [Alexander] Hamilton and Mr. [Oliver] Ellsworth, to whom were referred a motion of Mr. ~~Howell~~ [Jonathan] Arnold, for transmitting to the executive of Rhode Island sundry extracts of public letters from Europe, and some subsequent motions thereon; report,

“That in their opinion it would be improper for Congress to concur in the object of that motion, as, with respect to a part of the extracts specified, relating merely to the general growing political importance of these states, the injunction of secrecy being taken off, any member who inclines to communicate them to his State may take copies of them, and more especially as Mr. Howell was furnished with complete copies of letters, from which particular detached sentences are now requested; and with respect to such extracts as relate to the subject of foreign loans, they are already within the purview of the resolution of the 20th of December last, directing the Secretary for Foreign affairs to transmit to the executive of the State of Rhode Island an authenticated state of the applications for foreign loans, and the result; that the same observation applies to that part of the motion which relates generally to the transmission of the letters

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 22, folio 173. According to the indorsement it was read January 9, 1783, and on January 13, referred to the Secretary at War to report, and Thursday next assigned for the consideration. The plan is not filed with the report, but an undated plan, designed to supersede the regulations adopted by Congress, October 23, 1782, is in No. 192, folios 129-135. It is in Pickering's writing, and is filed with his letter of December 4, 1782, which is in No. 192, folio 125, and was referred December 6 to Mr. [Thomas] Mifflin, Mr. [Samuel] Osgood, and Mr. [Alexander] Hamilton, as indicated by the indorsement. According to the record in Committee Book No. 186, the committee was renewed on December 10, Mr. [Richard] Peters and Mr. [Daniel] Carroll being appointed in place of Mifflin and Osgood.

from our foreign ministers, on the subject of loans not under the injunction of secrecy, with this additional consideration, that such of those letters, as would in fact throw light upon the subject, comprehend many delicate transactions, which it is the duty of Congress, at the present juncture, to conceal: the committee, notwithstanding, are of opinion, that to obviate misrepresentation, it will be advisable to transmit to the executive of the State of Rhode Island, a copy of Mr. ~~Howell's~~ Arnold's motion, and the proceedings thereupon, with a request, that precautions may be taken to prevent their appearing in the public prints." ¹

On the question,

Resolved, That Congress agree to the said report.

WEDNESDAY, JANUARY 15, 1783

The honorable the minister plenipotentiary of his Most Christian Majesty having notified to Congress, that the term allowed to the capitulants of St. Christophers, Nevis and Montserat, for receiving cargoes from Great Britain, and for loading back the vessels under neutral colours, for that kingdom, is expired; and that the governor general of those islands is instructed to grant no more permits for such purposes.

Ordered, That the notification be published.²

[Motion of Mr. David Ramsay, January 15, 1783. Withdrawn, the letter of 19 December from General Greene having been committed.]

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 25, 11, folio 179. The indorsement states "Delivered January 13, 1783. Entered. Read." "Question taken to agree to this report was lost. 4 ayes, 5 noes, one divided. January 14, on motion of Mr. [Jonathan] Arnold, seconded by Mr. [John] Collins, who were yesterday both in the negative, this report was reconsidered, and, being amended, passed."

² This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 25, 11, folio 181. The indorsement states that it was the report of Mr. [Thomas] FitzSimons, Mr. [Samuel] Osgood and Mr. [James] Madison, and was delivered January 14.

The proceedings for this day were also entered in the manuscript Secret Journal, Foreign Affairs.

Resolved, That a Committee be appointed to consider some mode of expressing the high sense Congress entertain of the merit and abilities of General Greene and the army under his command in the late Southern campaign.¹

WAR OFFICE *January 14th, 1783.*

SIR,

On the letter from Colonel Butler addressed to Congress and referred to the Secretary at War, I beg leave to report that an alteration in the mode of enlarging British prisoners of War will interfere with the arrangements which have been entered into by the Superintendent of Finance and the Secretary at War, nor will the benefits which Colonel Butler supposes a change in the system may produce, equal the inconveniences which it must necessarily create.²

THURSDAY, JANUARY 16, 1783

A letter, of the 15th, from the War Office, was read, accompanied with one of the same date, from Brigadier General O. H. Williams, representing that the present state of the army, and the late arrangement of brigadiers to districts render it improbable that Brigadier Williams should obtain any command, and expressing a wish, that he may be permitted to retire with the emoluments allowed to retiring officers; Whereupon,

Resolved, That Brigadier General O. H. Williams be permitted to retire from service with the emoluments allowed by the acts of Congress to supernumerary officers.³

FRIDAY, JANUARY 17, 1783

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [Thomas] Mifflin and Mr. [Hugh] Williamson, to whom was referred a letter of 19 December last, from Major-General Greene, giving information of the evacuation

¹ This motion, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 36, II, folio 13.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 221. The indorsement indicates that it was presented this day.

On this day, as the indorsement states, was read a letter of January 8, from General Washington. It is in No. 152, XI, folio 53.

³ This letter of the War Office is in the *Papers of the Continental Congress*, No. 149, I, folio 109.

of Charlestown, by the British, and of our being by that event in complete possession of all the southern states:

Resolved, That the thanks of the United States in Congress assembled, be presented to Major General Greene, for his many signal and important services; and that he be assured that Congress retain a lively sense of the frequent and uniform proofs he has given of prudence, wisdom and military skill, during his command in the southern department.

Resolved, That General Greene be desired to present the thanks of the United States in Congress assembled, to the officers and private soldiers under his command, who, in all the vicissitudes of season, under the numerous inconveniences of long and rapid marches in a country plundered and desolated by an enemy greatly superior in force, have surmounted every difficulty and danger, and manifested such bravery, perseverance and fortitude, as to do honor to themselves and to the cause they have so zealously and successfully supported.¹

The committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Richard] Peters and Mr. [Ralph] Izard, appointed, on a motion of Mr. [Richard] Peters, to consider and report to Congress the propriety of attempting farther loans in Europe, report,

That they have conferred with the Superintendant of Finance and fully informed themselves of the situation of the applications for foreign loans, which if complied with would be fully sufficient for the purposes to which those loans were intended to be applied; but from the small prospect there seems to be of obtaining the monies already directed to be borrowed, it appears not only hopeless but embarrassing to the business already in train to attempt farther loans until solid funds are

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 501. Greene's letter is in No. 155, II, folios 599 and 603.

From this point to the end of the day the proceedings for January 17, were entered only in the manuscript Secret (Domestic) Journal, and in Secret Journal No. 8.

put into the hands of Congress in support of the national faith and credit;

~~That it appears to your committee that the Superintendant of finance has taken every precaution in his power to ensure the payment of the bills he may be under the necessity of drawing under present circumstances, and that such drafts will be made with great caution as to their extent.~~

The committee therefore report that it is at present inexpedient to take any farther order on the said motion.¹

Resolved, That Congress agree to the said report.

[MONDAY, JANUARY 20, 1783]

The Committee [Mr. Daniel Carroll, Mr. Thomas FitzSimons and Mr. Samuel Osgood] on the letter from the Superintendant of Finance report, in addition to the information contained in that letter,

That the Commissioner recommended to the State of Pensilvania has been approved; that one has been recommended to the State of Massachusetts; and that the Superintendant of Finance has wrote to the Executive of Maryland on the subject mentioned in his letter relative to that State.

They further report, That a person has offered to undertake the business of the Marine department for 2 thousand dollars per annum, but that ~~in their opinion~~ it is not expedient to raise any of the salaries of the Commissioners.

Your Committee are of opinion that ~~considering~~ notwithstanding the delay which was necessary and unavoidable from the references to be made to the Several Legislatures, the difficulties in procuring persons qualified to execute so important a trust and the particular situation some of the States have been under, the views of Congress by their acts of the 20th and 27th of Feb'y last have been answered in a considerable degree and that they will be fully complied with.²

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 26, folio 397.

² This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 137, II, folio 63. Committee Book, No. 186, states that it was made this day. The Superintendent of Finance's letter is in folio 59. It is dated December 3, 1782, and the indorsement states that it was read December 4, and referred to Carroll, FitzSimons and Osgood December 31.

On this day as the indorsement indicates, was read a letter of the 18th, from the Superintendent of Finance enclosing a copy of the agreement between Franklin and Vergennes. It is in no. 137, II, folio 111.

TUESDAY, JANUARY 21, 1783

The Superintendant of finance having laid before Congress a copy of a contract between his Most Christian Majesty and the United States of America, entered into and executed on the 16 July, 1782, by the Count de Vergennes and Dr. B. Franklin, for ascertaining the sums of money advanced on loan by his Majesty to the United States, and settling the terms of payment; and it being stipulated in the said contract, that the ratifications thereof shall be exchanged in nine months from the date, or sooner if possible:

Ordered, that the secretary prepare and lay before Congress the form of a ratification.

A letter of 8 October, 1782, from the honourable J. Adams, was read, accompanied with a certified copy of a treaty of amity and commerce, and of a convention respecting re-captured vessels, agreed to between their High Mightinesses the States General of the Netherlands, and the United States of America, on the said 8th day of October, 1782.¹

Ordered, That a letter of the 5th January, from G. Weedon, and account of Mr. Mercer against the United States for the maintenance and education of H. Mercer, son of the late Brigadier General Mercer be referred to the Superintendant of Finance to take order.²

WEDNESDAY, JANUARY 22, 1783

The form of a ratification being brought in and agreed to, the contract between his Most Christian Majesty and the United States of America, entered into on the 16 July, 1782, was ratified, as follows:³

¹ The proceedings for January 21 were also entered in the manuscript Secret Journal, Foreign Affairs.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*; and in Committee Book No. 186.

³ The form of ratification was entered only in the manuscript Secret Journal, Foreign Affairs. It was printed as part of the Public Journal, under date of April 29, but does not appear in the manuscript.

The United States in Congress assembled—To all who shall see these presents, send greeting.

Whereas Benjamin Franklin, our minister plenipotentiary at the Court of Versailles, in pursuance of the powers in him vested, did on the sixteenth day of July, in the year of our Lord one thousand seven hundred and eighty-two, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full powers of his Most Christian Majesty for the purpose, enter into, conclude and sign a contract between his Most Christian Majesty and the United States of North America, in the words following, to wit:

Du 16 Juillet, 1782.

Contrat entre le Roi, et les treize Etats Unis de l'Amérique Septentrionale.

Le roi ayant bien voulu avoir égard aux demandes qui lui ont été faites, au nom, et de la part des Provinces Unies de l'Amérique Septentrionale, de les assister dans l'état de guerre et d'invasion, où elles gémissent depuis plusieurs années, et sa majesté après avoir fait avec les dites provinces confédérées un traité d'amitié et de commerce en date du 6 Février, 1778; ayant eu la bonté de les soutenir non seulement par ses forces de terre et de mer, mais encore par des avances des secours pécuniaires aussi abondants qu'efficaces dans la crise et le besoin où elles étaient réduites, il a été jugé convenable et nécessaire de constater d'une manière positive le montant des dites avances; les conditions sous lesquelles le roi s'est porté à les faire; les époques auxquelles le Congrès des dits Etats Unis, s'est engagé de les rembourser au trésor royal de sa majesté, et d'éclairer enfin cet objet de manière à prévenir dans l'avenir toutes difficultés capables d'altérer la bonne harmonie que sa majesté est résolue de maintenir et

conserver entre elle et les dits Etats Unis. Pour remplir un dessein aussi louable, et dans la vue d'affermir les liens de commerce et d'amitié qui subsistent entre sa majesté et les dits Etats Unis, nous, Charles Gravier de Vergennes, &c. conseiller du roi en tous ses conseils, commandeur de ses ordres, ministre et secrétaire d'état et de ses commandements et finances, muni des pleins pouvoirs de sa majesté à nous donnés à l'effet des présentes:

Et nous, Benjamin Franklin, ministre plénipotentiaire des Etats Unis de l'Amérique Septentrionale pareillement muni de pouvoirs du Congrès des dits états au même effet des présentes, après nous être dûment communiqués nos pouvoirs respectifs, avons arrêté les articles qui suivent.

ARTICLE I

Il a été calculé et vérifié que les sommes avancées à titre de prêt par sa majesté au Congrès des dits Etats Unis, pendant les années 1778, 1779, 1780, 1781, et la présente, 1782, montent à la somme de dix-huit millions de livres, (argent de France,) suivant vingt et une reconnaissances ci-dessous mentionnées que le ministre soussigné du Congrès en a fourni en vertu de ses pouvoirs.

SAVOIR:

La 1 ^{ere} du 28 Février	1778 de	750, 000	
La 2 ^e . du 19 Mai	Id.	750, 000	
La 3 ^e . 3 Aout	Id.	750, 000	
La 4 ^e . 1 ^{er} Novembre	Id.	750, 000	
		<hr/>	3, 000, 000
La 5 ^e . 10 Juin	1779	250, 000	
La 6 ^e . 16 Septembre	Id.	250, 000	
La 7 ^e . 4 Octobre	Id.	250, 000	
La 8 ^e . 21 Décembre	Id.	250, 000	
		<hr/>	1, 000, 000

La 9°. 29 Février	1780	750, 000	
La 10°. 23 Mai	Id.	750, 000	
La 11°. 21 Juin	Id.	750, 000	
La 12°. 5 Octobre	Id.	750, 000	
La 13°. 27 Novembre	Id.	1, 000, 000	
		<hr/>	4, 000, 00
La 14°. 15 Février	1781	750, 000	
La 15°. 15 Mai	Id.	750, 000	
La 16°. 15 Aout	Id.	750, 000	
La 17°. 1 ^{er} Aout	Id.	1, 000, 000	
La 18°. 15 Novembre	Id.	750, 000	
		<hr/>	4, 000, 000
La 19°. 10 Avril	1782	1, 500, 000	
La 20°. 1 ^{er} Juillet	Id.	1, 500, 000	
La 21°. 5 du dit mois		3, 000, 000	
		<hr/>	6, 000, 000

Somme égale à celle, ci-dessus de dix-huit millions ci 18, 000, 000

Par lesquelles reconnaissances le ministre sus dit a promis au nom du Congrès et solidairement pour les treize Etats Unis, faire payer et rembourser au trésor royal de sa majesté le premier Janvier, 1788, au domicile du S^r. Grand, banquier, à Paris, la dite somme de dix-huit millions (argent de France) avec les intérêts à cinq pour cent, l'an.

ARTICLE II

Considérant que le remboursement d'un capital aussi considérable en un seul terme stipulé au premier Janvier, 1788, gênerait infiniment les opérations de la finance du Congrès des dits Etats Unis, et serait même peut-être impraticable sur ce pied, sa majesté a bien voulu par ce motif déroger, à cet égard, à la teneur des reconnaissances que le ministre du Congrès a fournies, de dix-

huit millions de livres tournois énoncées en l'article ci-dessus, et consentir que le remboursement de ce capital soit fait en argent comptant à son trésor royal à Paris, en douze années seulement, à commencer de la troisième après l'époque de la paix.

ARTICLE III

Quoique les reconnaissances du ministre du Congrès des dits Etats Unis, portent que les dix-huit millions de livres dont il s'agit seront payés et remboursés au trésor royal avec les intérêts à cinq pour cent l'an, sa majesté voulant donner aux Etats Unis une nouvelle preuve de son affection et de son amitié, elle a bien voulu faire don et remise de la totalité des arrérages des intérêts échus jusqu'à ce jour, et de ceux à échoir jusqu'à l'époque du traité de paix; faveur que le ministre du Congrès reconnaît émaner de la pure munificence du roi et la recevoir au nom des dits Etats Unis, avec une profonde et vive reconnaissance.

ARTICLE IV

Le remboursement des dix-huit millions de livres tournois dont il s'agit, sera fait en argent comptant au trésor royal de sa majesté à Paris en douze parties égales, et aux termes stipulés en l'article 2 ci-dessus. Les intérêts de la dite somme à cinq pour cent l'an commenceront seulement à courir de l'époque du traité de paix; seront acquittés à chaque terme de remboursement partiel du capital, et diminueront à mesure et en proportion des paiements; le Congrès et les dits Etats Unis restant au surplus libres de avancer le terme de leur libération par des remboursements anticipés, au cas que la situation de leurs finances leur en donnât la facilité.

ARTICLE V

Quoique l'emprunt de cinq millions de florins de Hollande consenti par les états généraux des Provinces Unies des pays bas, aux termes de l'obligation passée le 5 Novembre, 1781, entre sa majesté et les dits états généraux a été stipulé sous le nom de sa majesté, et garanti par elle, il est néanmoins reconnu par ces présentes que le dit emprunt a été fait réellement pour le compte et le service des Etats Unis de l'Amérique Septentrionale et que le capital, montant par évaluation modérée à la somme de dix millions de livres tournois en a été payée aux dits Etats Unis suivant la reconnaissance du solde de la dite somme que le ministre soussigné du Congrès en a fourni le sept Juin dernier.

ARTICLE VI

Par la convention du dit jour 5 Novembre, 1781, le roi a bien voulu promettre et s'engager de fournir et restituer au comptoir général des états généraux des pays bas, le capital du dit emprunt avec les intérêts à quatre pour cent par an, sans aucun frais ou déductions quelconques pour les prêteurs, de manière que le dit capital soit entièrement remboursé après l'espace de quinze années; les remboursements devant se faire en dix termes égaux, dont le premier écherra dans la sixième année à compter de la date du dit emprunt et ainsi de suite d'année en année jusqu'au remboursement final de la susdite somme; mais il a été pareillement reconnu par le présent acte, que cet engagement n'a été pris par le roi à la prière du ministre soussigné des Etats Unis, que sous la promesse par lui faite au nom du Congrès et solidairement pour les treize Etats Unis de faire rembourser et restituer au trésor royal de sa majesté à Paris, le capital, les intérêts et frais du

dit emprunt suivant les conditions et aux époques fixées par la convention susdite du 5 Novembre, 1781.

ARTICLE VII

Il a été arrêté en conséquence et convenu que la somme de dix millions de livres tournois formant par modération le principal de l'emprunt de cinq millions de florins de Hollande, ci-dessus mentionné, sera remboursée et restituée en argent comptant au trésor royal de sa majesté à Paris avec les intérêts à quatre pour cent par an, en dix parties égales d'un million chacune et en dix terme dont le premier écherra le 5 Novembre de l'année, 1787; le second au 5 Novembre, 1788, et ainsi de suite d'année en année jusqu'au remboursement final de la sus-dite somme de dix millions, les intérêts diminuant à mesure et en proportion des remboursemens partiels du capital; mais par une suite des sentimens d'affection du roi, pour les Etats Unis de l'Amérique, sa majesté a bien voulu prendre à sa charge les frais de commission et de banque du dit emprunt, dèsquels frais sa majesté a fait don et remise aux dits états, ce que leur ministre soussigné a accepté avec reconnaissance au nom du Congrès comme une nouvelle marque de la générosité et de l'amitié de sa majesté pour les dits Etats Unis.

ARTICLE VIII

A l'égard des intérêts du dit emprunt, pendant les cinq années qui précéderont celle du premier terme de remboursement du capital, comme le roi s'est engagé à les payer au comptoir général des états généraux des pays bas sur le pied de quatre pour cent par an et d'année en année à compter du cinq Novembre, 1781, suivant la convention du même jour, le ministre du Congrès reconnaît que la restitution en est due à sa

majesté, par les Etats Unis, et s'engage au nom des dits états à les faire payer et rembourser aux mêmes époques et sur le même pied au trésor royal de sa majesté la première année d'arrérages d'intérêt devant être acquittée le 5 Novembre prochain et ainsi de suite pendant chacune des cinq années qui précéderont celle du premier terme de remboursement du capital fixé cidessus au 5 Novembre, 1787.

Les hautes parties contractantes se garantissent réciproquement l'observation fidèle du présent contrat, dont les ratifications seront échangées dans l'espace de neuf mois à compter de ce jour ou plus tôt s'il est possible. En foi de quoi, nous, plénipotentiaires susdits de sa majesté très chrétienne et des treize Etats Unis de l'Amérique Septentrionale, en vertu de nos pouvoirs respectifs avons signé ces présentés et y avons fait apposer le cachet de nos armes.

Fait à Versailles le seizième jour du mois de Juillet, mil sept cent quatre vingt deux.

GRAVIER DE VERGENNES. [L. S.]

B. FRANKLIN. [L. S.]

TRANSLATION

A Contract between the King and the thirteen United States of North America, entered into by the Count de Vergennes and Mr. Franklin, 16th July, 1782.

The king having been pleased to attend to the request made to him in the name and on behalf of the United Provinces of North America for assistance in the war and invasion under which they had for several years groaned; and his Majesty, after entering into a treaty of amity and commerce with the said confederated provinces, on the 6th of February, 1778, having had the goodness to support them not only with his forces by land and sea, but also with advances of money as

abundant as they were effectual in the critical situation to which their affairs were reduced: It has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the King made them, the periods at which the Congress of the United States have engaged to repay them to his Majesty's royal treasury; and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his Majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his Majesty and the said United States—We, Charles Gravier de Vergennes, &c. counsellor of the King in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his Majesty to us given for this purpose: and We, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said states for the present purpose, after duly communicating our respective powers, have agreed to the following articles:

ARTICLE I

It is agreed and certified, that the sums advanced by his Majesty to the Congress of the United States under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present 1782, amount to the sum of eighteen millions of livres, money of France, according to the following twenty-one receipts of the above-mentioned underwritten minister of Congress, given in virtue of his full powers, to wit:

1. 28 February,	1778,	750,000	
2. 19 May,	do.	750,000	
3. 3 August,	do.	750,000	
4. 1 November,	do.	750,000	
		<hr/>	3,000,000
5. 10 June,	1779,	250,000	
6. 16 September,	do.	250,000	
7. 4 October,	do.	250,000	
8. 21 December,	do.	250,000	
		<hr/>	1,000,000
9. 29 February,	1780,	750,000	
10. 23 May,	do.	750,000	
11. 21 June,	do.	750,000	
12. 5 October,	do.	750,000	
13. 27 November,	do.	1,000,000	
		<hr/>	4,000,000
14. 15 February,	1781,	750,000	
15. 15 May,	do.	750,000	
16. 15 August,	do.	750,000	
17. 1 August,	do.	1,000,000	
18. 15 November,	do.	750,000	
		<hr/>	4,000,000
19. 10 April,	1782,	1,500,000	
20. 1 July,	do.	1,500,000	
21. 5 Of the same month,		3,000,000	
		<hr/>	6,000,000
Amounting in the whole to			<hr/>
eighteen millions, viz.			18,000,000

By which receipts the said minister has promised, in the name of Congress and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his Majesty, on the first of January, 1788, at the house of the Sieur Grand, banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum.

ARTICLE II

Considering that the payment of so large a capital at the one stipulated period, the first of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, his Majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of Congress has given for the eighteen millions livres tournois mentioned in the foregoing article, and has consented that the payment of the capital in ready money at the royal treasury be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

ARTICLE III

Although the receipts of the minister of the Congress of the United States specify that the eighteen millions of livres above mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, his Majesty, being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the day of the date of the treaty of peace; a favour which the minister of the Congress of the United States acknowledges to flow from the pure bounty of the King, and which he accepts in the name of the said United States with profound and lively acknowledgments.

ARTICLE IV

The payment of the said eighteen million of livres tournois shall be in ready money at the royal treasury of his Majesty at Paris, in twelve equal parts, and at

the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments; the Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

ARTICLE V

Although the loan of five millions of florins of Holland, agreed to by the States General of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his Majesty and the said States General, has been made in his Majesty's name, and guarantied by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account and for the service of the United States of North America, and that the capital, amounting at a moderate valuation to the sum of ten millions livres tournois, has been paid to the said United States agreeably to a receipt for the payment of the said sum given by the undersigned minister of Congress, the seventh day of June last.

ARTICLE VI

By the convention of the said 5th of November, 1781, the King has been pleased to promise and engage to furnish and pay, at the general pay-office of the States General of the Netherlands, the capital of the said loan with the interest at 4 per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in

ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum. But it is in like manner acknowledged by this act, that this engagement was entered into by the King at the request of the undersigned minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his Majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

ARTICLE VII

It is accordingly agreed and settled, that the sum of ten millions livres tournois, being by a moderate computation the principal of the loan of five millions of Holland florins abovementioned, shall be reimbursed and paid in ready money at the royal treasury of his Majesty at Paris, with the interest at four per cent. per annum, in ten equal payments of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, and the second the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the King's affection for the United States, his Majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses his Majesty has made a present to the United States; and this their undersigned minister accepts, with thanks, in the name of Congress, as a new proof of his Majesty's generosity and friendship for the said United States.

ARTICLE VIII

With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the King has engaged to pay it at the general pay-office of the States General of the Netherlands at the rate of four per cent. yearly and every year, counting from the 5th November, 1781, according to the convention of that day, the minister of Congress acknowledges that the repayment of that is due to his Majesty by the United States; and he engages in the name of the said United States to cause payment thereof to be made, at the same time and at the same rate, at the royal treasury of his Majesty, the first year's interest to be paid the 5th of November next, and so yearly during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner if possible.

In testimony whereof, we, the said plenipotentiaries of his Most Christian Majesty, and the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

(Signed,)	GRAVIER DE VERGENNES.	[L. S.]
	B. FRANKLIN.	[L. S.]

NOW KNOW YE, That we the said United States in Congress assembled, impressed with a most lively sense of the generosity and affection manifested by his Most Christian Majesty in the above contract, have ratified

and confirmed, and by these presents do ratify and confirm the said contract, and every article and clause thereof. And we do hereby empower our minister plenipotentiary at the Court of Versailles to deliver this our act of ratification in exchange for the ratification of the said contract on the part of his Most Christian Majesty.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this twenty-second day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the seventh.¹

THURSDAY, JANUARY 23, 1783²

On motion of Mr. [Oliver] Ellsworth, seconded by Mr. [Alexander] Hamilton,

Resolved, That the commissioner for settling the accounts of the commissary general's department, be directed to reduce into specie value the whole of the purchases and expenditure of the late commissary general, Joseph Trumbull, the value to be ascertained at the end of every month, and to estimate the commission on the said expenditures in specie, agreeable to the rates mentioned in the act of Congress of the 31 day of March, 1779.

On the report of a committee, consisting of Mr. [James] Madison, Mr. [Alexander] Hamilton, and Mr. [Oliver] Ellsworth, to whom were referred the letter of the 8th of October, 1782, from the minister plenipotentiary at The Hague, with copies of a treaty of amity and commerce, and of a convention concerning vessels recaptured,

¹ On this day, as the indorsement indicates, was read a letter of December 20, 1782, from Caspar Voght & Co., relative to trade with Hamburg. It is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 195.

² The proceedings for January 23, were also entered in the manuscript Secret Journal, Foreign Affairs.

Report, That on a comparison of the former with the instructions given to the said Minister Plenipo: on that subject, they find that no variations have taken place which affect the substance of the plan proposed by Congress. Those which the Committee have thought most worthy of being remarked to Congress are

1st., the clause in Art: 4 which imposes some degree of restraint on the exercise of religious worship:

2dly., the clause in Art: 5 which restrains the protection to be afforded by ships of war of one party to vessels of the other party, to cases in which they shall have a common enemy:

3dly., the tenor of Art: 6, which seems more ~~explicitly~~ cautiously to exclude any claims by Citizens or subjects of one of the parties, to the privilege of holding real estates within the jurisdiction of the other party:

4thly., the clause in Art: 10 which provides that no examination of papers shall be demandable in cases of vessels convoyed by Ships of war of either of the parties; but that credence shall be given to the word of the officer conducting the convoy.

5thly., the clause in Art: 12 which extends from 2 to 6 months the period after a declared war between one of the parties and another nation, within which effects of the other party on board the vessels of such nation shall be exempt from confiscation:

6thly., the clause in Art: 18th which extends from 6 to 9 months and in some contingencies still farther, the period after a rupture between the parties themselves, which shall be allowed to their Citizens and subjects respectively to retire with their effects:

Art: 22d. which confines the reservation in favor of the Treaty between his M. C. M. and the U. S. to the 9, 10, 17 and 22d. articles thereof; which reservation will be in like manner confined with respect to his C. M. in case of his accession to the said Treaty.

On the whole the Committee are of opinion that the Treaty ought to be immediately and fully accepted and ratified, and accordingly report an Act for that purpose.

With respect to the Convention entered into by the said Minister concerning vessels recaptured, the Committee are of opinion that although no express authority has been delegated by Congress on that subject, at least if the said convention is to remain in force after the termination of the present war, yet that the same is adapted to the mutual advantage of the parties, and ought also to be forthwith ratified; an Act for which purpose they accordingly add to their report.

Resolved, That the said treaty of amity and commerce, and the said convention concerning vessels recaptured, between their High Mightinesses the States General of the Netherlands, and the United States of America, dated at The Hague, the 8th day of October, 1782, be accepted and ratified, and that the forms of the ratifications be as follows:

Form of a Ratification for the Treaty of Amity and Commerce

The United States of America in Congress assembled, to all who shall see these presents, greeting.

Whereas by our commission, dated at Philadelphia, the 29th day of December, 1780, John Adams, formerly a delegate from Massachusetts, &c. was nominated and constituted our minister, with full powers on the part of the United States of America, to concert and conclude, with persons equally empowered on the part of their High Mightinesses, the States General of the United Netherlands, a treaty of amity and commerce, having for its basis the most perfect equality, and for its object the mutual advantage of the parties, we promising, in good faith, to ratify whatever should be transacted by virtue of the said commission: and whereas our said minister, in pursuance of his full powers at the Hague, on the 8th day of October, 1782, with George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. J. Van Heekeren, Joan Van Kuffeller, F. G. Van Dedemtoden Gelder, H. Tjassens, plenipotentiaries named for that purpose on the part of their High Mightinesses, the States General of the United Netherlands, did conclude and sign on the part of their High Mightinesses, &c. and of the United States of America, a treaty of amity and commerce, in the words following, to wit:

(Here insert the treaty.)

Now be it known, that we, the said United States of America in Congress assembled, have accepted and approved, and do by these presents ratify and confirm the said treaty, and every article and clause thereof: and we do authorise and direct our minister plenipotentiary at the Hague, to deliver this our act of ratification, in exchange for the ratification of the said treaty by their High Mightinesses, the States General of the United Netherlands. In testimony whereof, we have caused our seal to be hereunto affixed.

Witness his Excellency Elias Boudinot, president, this 23d day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

Form of a ratification for the Convention concerning re-captured vessels

The United States of America in Congress assembled, to all who shall see these presents, greeting.

Whereas John Adams, our minister plenipotentiary, at the Hague, on the 8th day of October, 1782, with George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. J. Van Heekeren, Joan Van Kuffeller, F. G. Van Dedemtoden Gelder, H. Tjassens, ministers plenipotentiaries of the Lords of the States General of the United Netherlands, did conclude and sign on the part of the said Lords, the States General of the United Netherlands, and of the United States of America, a convention concerning vessels re-captured, in the words following, to wit:

(Here insert the convention.)

Now be it known, that we, the said United States of America in Congress assembled, have accepted and approved, and do by these presents ratify and confirm the same, and do authorise and direct the minister plenipotentiary of the United States at the Hague, to deliver this our act of ratification, in exchange for the ratification of the said convention by the Lords, the States General of the United Netherlands.

[In testimony whereof, we have caused our seal to be hereunto affixed.

Witness his Excellency Elias Boudinot, president, this 23d day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

The committee having reported the draught of a proclamation to be issued by Congress, the same was agreed to as follows:

By the United States in Congress assembled:

A PROCLAMATION

Whereas in pursuance of a plenipotentiary commission, given on the twenty-ninth day of December, one thousand seven hundred and eighty, to the hon^{ble} John Adams, esq. a treaty of amity and commerce, between their High Mightinesses, the States General of the United Netherlands, and the United States of America, was on the 8th day of October, one thousand seven hundred and eighty-two, concluded by the said John Adams, with plenipotentiaries named for

that purpose by their said High Mightinesses the States General of the United Netherlands: and whereas the said treaty hath been this day approved and ratified by the United States in Congress assembled, as the same is contained in the words following, to wit:¹

(Here insert the ~~English~~ American column of the treaty.)²

A treaty of Amity and Commerce, between their High Mightinesses, the States General of the United Netherlands, and the United States of America, to wit, New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

Their High Mightinesses, the States General of the United Netherlands, and the United States of America, to wit, New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed, relative to the commerce and correspondence which they intend to establish between their respective states, countries and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burthensome preferences which are usually the sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself, and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse, reserving with all, to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantages.

On these principles their High Mightinesses, the States General of the United Netherlands, have named for their plenipotentiaries, from the midst of their assembly, Messrs. their deputies for the foreign affairs; and the said United States of America, on their part, have furnished with full powers, Mr. John Adams, late commissioner of the United States of America at the Court of Versailles, heretofore delegate in Congress, from the State of Massachusetts-Bay, and chief

¹ The part in brackets was entered in the Journal by George Bond.

² The treaty was not spread upon the manuscript journal, but was inserted at this point in the first edition of the printed journal.

justice of the said State; who have agreed and concluded as follows, to wit:

ART. 1. There shall be a firm, inviolable and universal peace and sincere friendship between their High Mightinesses the Lords the States General of the United Netherlands and the United States of America; and between the subjects and inhabitants of the said parties, and between the countries, islands, cities and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants of every degree, without exception of persons or places.

ART. 2. The subjects of the said States General of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities or places of the United States of America, or any of them, no other nor greater duties or impost, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ART. 3. The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature and denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to any foreign port of the world: and the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights in the countries, islands and seas in the East and West-Indias, without any hindrance or molestation.

ART. 4. There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits as to the public demonstration of it, to the laws of the country: there shall be given moreover liberty, when any subjects or inhabitants of either party shall die in the territory

of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require: and the dead bodies of those who are buried shall not in anywise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

ART. 5. Their High Mightinesses, the States General of the United Netherlands, and the United States of America shall endeavour, by all the means in their power, to defend and protect all vessels and other effects belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover and cause to be restored to the true proprietors, their agents or attornies, all such vessels and effects, which shall be taken under their jurisdiction: and their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace, and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course, or follow the same route, against all attacks, force and violence of the common enemy, in the same manner as they ought to protect and defend the vessels, belonging to their own respective subjects.

ART. 6. The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects by testament, donation or otherwise, and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab in testato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors, by inheritance; and in general, in relation to the said successions and effects, use all the rights and

fulfil all the functions, which belong by the disposition of the laws, to guardians, tutors, and curators; provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators by testament, codicil, or other legal instrument.

ART. 7. It shall be lawful and free for the subjects of each party, to employ such advocates, attornies, notaries, solicitors or factors, as they shall judge proper.

ART. 8. Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandises, and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores or dominations whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence or any colour thereof; much less shall it be permitted to the subjects of either party, to take or extort by force, any thing from the subjects of the other party, without the consent of the owner: which however is not to be understood of seizures, detentions and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceedings must be, by way of law, according to the forms of justice.

ART. 9. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two powers respectively, to manage themselves their own business. And moreover as to the use of interpreters, or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or at least upon an equality with the most favoured nation.

ART. 10. The merchant-ships of either of the parties coming from the port of an enemy, or from their own or a neutral port, may navigate freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea-letters and other documents, described in the 25th article, stating expressly that their effects are not of the number of those which are prohibited as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance pursue their voyage

towards the port of an enemy. Nevertheless it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer, who shall conduct the convoy.

ART. 11. If by exhibiting the sea-letters and other documents described more particularly in the 25th article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their High Mightinesses, the States General of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made, but there shall be no allowance to sell, exchange or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers, that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them which he shall have caused, both to the owner of vessels and to the owners and freighters of cargoes, with which they shall be loaded, by his temerity in taking and carrying them in, declaring most expressly, the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men, actually in the service of an enemy.

ART. 12. On the contrary it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated, in the same manner as if it belonged

to the enemy: except nevertheless such effects and merchandises as were put on board such vessel, before the declaration of war, or in the space of six months after it, which effects shall not be in any manner subject to confiscation, but shall be faithfully and without delay restored in nature to the owners, who shall claim them or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: provided nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

ART. 13. And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war, or privateers of the other party, it shall be forbidden to all commanders of vessels of war, and other armed vessels of the said States General of the United Netherlands, and the said United States of America, as well as to all their officers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

ART. 14. For further determining of what has been said, all captains of privateers, or fitters out of vessels armed for war, under commission and on account of private persons, shall be held before their departure, to give sufficient caution before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers, against the present treaty, and against the ordinances and edicts which shall be published in consequence of, and conformity to it, under pain of forfeiture and nullity of the said commission.

ART. 15. All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made, concerning the property thereof.

ART. 16. If any ships or vessels belonging to either of the parties, their subjects or people, shall, within the coasts or dominations of the other, stick upon the sands or be wrecked, or suffer any other sea damage, all friendly assistance and relief shall be given to the persons ship-wrecked, or such as shall be in danger thereof; and the vessels, effects and merchandises, or the part of them which shall have been saved, or the proceeds of them, if being perishable they shall have been sold, being claimed within a year and a day, by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them safe conducts or passports, for their free and safe passage from thence, and to return each one to his own country.

ART. 17. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, creeks, bays, ports, roads or shores belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ART. 18. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between their High Mightinesses the States General of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire with their effects, and transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods in all freedom, and without any hindrance, and without being able to proceed during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the

voyage; and no prize made at sea shall be adjudged lawful, at least if the declaration of war was not or could not be known in the last port which the vessel taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them in the interval of the said terms, a complete satisfaction shall be given them.

ART. 19. No subject of their High Mightinesses the States General of the United Netherlands shall apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the said United States of America or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the high and mighty lords the States General of the United Netherlands, or against the subjects of their High Mightinesses or any of them, or against the property of any one of them, from any prince or state with which their High Mightinesses may be at war: and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

ART. 20. If the vessels of the subjects or inhabitants of one of the parties, come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay neither for the vessels nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

ART. 21. The two contracting parties grant to each other mutually, the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party choose to make such appointments.

ART. 22. This treaty shall not be understood in any manner to derogate from the 9th, 10th, 19th and 24th articles of the treaty with France, as they were numbered in the same treaty, concluded the 6th of February, 1778, and which make the articles 9th, 10th, 17th and 22d, of the treaty of commerce now subsisting between the United States of America and the Crown of France: nor shall it hinder

his Catholic Majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

ART. 23. If at any time the United States of America shall judge it necessary to commence negotiations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea; their High Mightinesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls residing near the said king, emperor and regencies.

CONTRABAND

ART. 24. The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband or merchandises prohibited; and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery with their artifices and appurtenances, fusils, pistols, bombs, grenades, gun-powder, salt-petre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms; as also soldiers, horses, saddles, and furniture for horses. All other effects and merchandises, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war, by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they or can they be comprehended under the notion of effects prohibited or contraband: so that all effects and merchandises which are not expressly before named, may without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy, excepting only the places which at the same time shall be besieged, blocked or invested, and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

ART. 25. To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property and the burthen of the

vessel, as also the name and the place of abode of the master or commander of the said vessel, to the end that thereby it may appear that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed according to the form annexed to this treaty; each time that the vessel shall return, she should have such her passport renewed, or at least they ought not to be of more ancient date than two years before the vessel has been returned to her own country.

It has been also agreed that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents which are ordinarily given to vessels outward-bound, in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination, or instead of all these, with certificates from the magistrates or governors of cities, places and colonies, from whence the vessel came, given in the usual form, to the end that it may be known whether there are any effects prohibited or contraband on board the vessels, and whether they are destined to be carried to an enemy's country or not. And in case any one judges proper to express, in the said documents, the persons to whom the effects on board belong, he may do it freely, without however being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

ART. 26. If the vessels of the said subjects, or inhabitants of either of the parties, sailing along the coast or on the high seas, are met by a vessel of war or privateer, or other armed vessel of the other party, the said vessels of war, privateers or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty; and the vessel, after having exhibited such a passport, sea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

ART. 27. It shall be lawful for merchants, captains and commanders of vessels, whether public and of war, or private and of merchants, belonging to the United States of America, or any of them, or to their subjects and inhabitants, to take freely into their

ship or vessel having been visited, and the said master and commander having made oath before the proper officer, that the said ship or vessel belongs to one or more of the subjects, people or inhabitants of and to him or them only. In witness whereof, we have subscribed our names to these presents, and affixed the seal of our arms thereto, and caused the same to be countersigned by
at this day of in the year of our Lord
Christ .

Form of the certificate which shall be given to ships or vessels in consequence of the 25th article of this treaty

We, magistrates or officers of the customs of the city or port of do certify and attest, that on the day of in the year of our Lord C. D. of personally appeared before us, and declared by solemn oath, that the ship or vessel called of tons or thereabouts, whereof of is at present master or commander, does rightfully and properly belong to him or them only; that she is now bound from the city or port of to the port of laden with goods and merchandises, here under particularly described and enumerated, as follows:

In witness whereof, we have signed this certificate, and sealed it with the seal of our office, this day of in the year of our Lord Christ .

Form of the Sea-Letter

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise and prudent lords, emperors, kings, republics, princes, dukes, earls, barons, lords, burgo-masters, chepons, councillors, as also judges, officers, justiciaries and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these patents, or hear them read: We, burgo-masters, and regents of the city of make known, that the master of appearing before us, has declared upon oath, that the vessel called of the burthen of about lasts, which he at present navigates, is of the United Provinces, and that no subjects of the enemy have any part or portion therein, directly nor indirectly; so may God Almighty help him: and as we wish to see the said master prosper in his lawful affairs, our prayer is, to all the before mentioned, and to each of them separately, where the said master shall arrive with his vessel and cargo, that they may please to receive the said

master with goodness, and to treat him in a becoming manner, permitting him upon the usual tolls and expenses, in passing and repassing, to pass, navigate and frequent the ports, passes and territories, to the end to transact his business, where and in what manner he shall judge proper; whereof we shall be willingly indebted.

In witness, and for cause whereof, we affix hereto the seal of this city

(In the margin.)

By ordinance of the high and mighty Lords the States General of the United Netherlands.

And whereas a convention, concerning vessels re-captured, was at the place and on the day above mentioned, concluded by the said minister plenipotentiary, on the part of these United States, with the said plenipotentiaries on the part of the said Lords the States General of the United Netherlands; and the same hath been this day approved and ratified by the United States in Congress assembled, as it is contained in the words following, to wit:

(Here insert the Convention in English.)¹

Convention between the Lords the States General of the United Netherlands and the United States of America, concerning vessels re-captured.

The Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles, with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to vessels of the subjects of either party, captured by the enemy and re-captured by vessels of war commissioned by either party; have agreed upon the following articles:

ART. 1. The vessels of either of the two nations, re-captured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been 24 hours in the power of the enemy; provided the owner of the vessel re-captured pay therefor 1-3d of the value of the vessel, as also that of the cargo, the cannons and apparel; which third shall be valued by agreement between the parties inter-

¹The Convention was not spread upon the manuscript journal, but was inserted at this point in the first edition of the printed journal.

ested, or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty of the place where the privateer who has re-taken the vessel shall have conducted her.

ART. 2. If the vessel re-captured has been more than 24 hours in the power of the enemy, she shall belong entirely to the privateer who has re-taken her.

ART. 3. In case a vessel shall have been re-captured by a vessel of war belonging to the States General of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a 30th part of the value of the ship, her cargo, cannons and apparel, if she has been re-captured in the interval of 24 hours, and the 10th part if she has been re-captured after the 24 hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have re-taken her. The valuation of the said 30th parts and 10th parts, shall be regulated according to the tenor of the first article of the present convention.

ART. 4. The restitution of prizes, whether they may have been re-taken by vessels of war or by privateers, in the mean time, and until requisite and sufficient proofs can be given of the property of vessels re-captured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ART. 5. The vessels of war and privateers of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the 22d article of the treaty of commerce: provided always, that the legality of prizes, by the vessels of the low-countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels shall be judged according to the laws and regulations determined by the United States of America.

ART. 6. Moreover it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In faith of which, we, the deputies and plenipotentiaries of the Lords the States General of the United Netherlands, and minister plenipotentiary of the United States of America, have in virtue of

our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague, the 8th of October, 1782.

Now therefore, to the end that the said treaty and convention may, with all good faith, be performed and observed on the part of these United States, all the citizens and inhabitants thereof, and more especially all captains and other officers and seamen belonging to any vessels of war of these United States, or any of them, or of any private armed vessels commissioned by Congress, are hereby enjoined and required to govern themselves strictly in all things according to the stipulations above recited.

Done in Congress, this twenty-third day of January, in the year of our Lord one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.¹

FRIDAY, JANUARY 24, 1783

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. ~~Osgood~~ [Oliver] Wolcott and Mr. [James] Madison, to whom was referred a memorial from John Hannum, Persifer Frazer and Joseph Gardner:

Whereas complaint hath been made to Congress by Persifer Frazer, John Hannum and Joseph Gardner, in behalf of themselves and others, that there are good grounds, not only from former transactions, but for other reasons, to believe that great abuse has been attempted of a passport granted by the Commander in Chief, for the protection of cloathing and other necessities sent from New York in the ship *Amazon*, for the use of British and German prisoners of war; and that private and unwarrantable advantages are

¹ This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, I, folio 29. The Treaty and the Convention were not spread upon the manuscript Journals, but were inserted in the printed Journals, 1783 and later editions.

intended, by introducing for sale, under cover of the said passport, a considerable quantity of British goods and merchandise:

Resolved, That the assistant secretary at war be directed to cause the goods imported in the ship *Amazon*, and not delivered to the British or German prisoners of war ~~in this state~~, to be forthwith examined and compared with the passport under which they have been imported, by proper persons; and that his Excellency the president and the supreme executive council of the State of Pensylvania, be requested to ~~appoint~~ nominate one of the said persons. ~~to assist in examining and comparing the said goods.~~

Resolved, That the assistant secretary at war be directed to report to Congress the result of the said enquiry, together with the number of the said prisoners, and of the cloathing and other necessities imported in the said vessel, which have been delivered for their use.¹

The Committee [Mr. James Madison, Mr. Hugh Williamson and Mr. Thomas Mifflin] instructed on the motion of Col. [Theodorick] Bland to report a list of books proper for the use of Congress, recommend that the Superintendent of Finance and the Sec^y of Congress be empowered to take order for procuring the books enumerated below: the same when procured to be under the care of the said Sec^y

Encyclopedie Méthodique.

Dictionnaire de l'homme d'État.

Law of Nature and Nations

Cudworth's Intellectual System.

Cumberland's Law of Nature.

Wolfius's Law of Nature.

Hutchinson's Moral Philosophy.

Beller's delineation of universal Law.

Ferguson's analysis of Mor: Philosophy.

Rutherford's institutes of Natural Law.

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 19, III, folio 33.

Grotius's Law of Nature and Nations.

Puffendorf's Law of Nature and Nations with notes by Barbeyrac.

Puffendorf de officio hominis et civis.

Vattell's Law of Nature and Nations.

Vattell's Questions in Natural Law.

Burlamaque's Law of Nature and Nations.

Grotius's Mare liberum.

Selden's Mare clausum.

Molloy de jure maritimo.

Beaux lex mercatoria.

Jacob's lex mercatoria.

Lee on captures.

Ordinances of Marine of France.

Admiralty Laws of G. Britain.

do. of the several others of Europe.

Wiquefort's Ambassador.

El Embaxador, par Antoine de Vera.

L'Ambasciatore Politice Christiano, par le prince Charles Marie Carafe.

De la charge et dignité de l'ambassadeur, par Jean Hotman.

Le Ministre public dans les cours etrangeres &c. par J. de la Sarras du Franquesnay.

De foro legatorum par Bynkershock traduit en Francois par Barbeyrac, sous le titre de traite du Juge competent des Ambassadeurs &c. with all his other works.

De legationibus par Alberic Gentilis.

Legatus par Charles Paschal.

Legatus par Frederick Marsalaer.

Treaties and Negotiations

Corps diplomatique.

Rymer's fœdera.

A complete collection of Treaties.

Abbe Mably's public law of Europe—principles of Negotiation—other political works.

De la maniere de negocier avec les souverains &c. par Callier.

Discours sur l'art de negocier par Pequet.

Histoire du traité de Westphalie par le P. Bougeant.

Burche's view of negotiations between F. & Engl^d

Negociations du P. Jeannin.
du Cardinal D'ossat.
du Mar^a! d'Estrades.
de la paix de Westphalie.
du Mar^a! de Noailles.
de la paix d'Utrecht.
des autres paix de ee siecle.

Lamborty's Memoirs & negociations.

Card! Mazarine's letters.

De Witt's letters.

General History

Universal History.

Modern History.

Raleigh's History of the World.

Voltaire's Historical works.

Abbé Millot Histoire generale.

Dictionaire of Bayle.

Burnett's History of his own times.

Mosheim's Ecclesiastical History.

Warner's Eccles: History of England.

Chronology

Lenglet du frenoy tablettes chronologiques de l'Histoire universelle.

Blair's chronological tables.

Geography

Bushing's Universal Geography.

Smith's System of Geography.

Guthrie's Geographical Grammar.

La Martinier Dictionaire Geographique.

Salmon's Gazetteer.

Priestly's Historical Chart.

Biographical Chart.

Jeffery's Historical & Chronological Chart

Collection of best maps.

Particular History

GRAECIAN.

Goldsmith's History of Greece.

Stanyan's History of Greece.

Potter's Grecian Antiquities.

ROMAN.

Coussin *Histoire Romaine*.
Histoire de Constantinople.
 Goldsmith's *Roman History*.
 Hooke's *Roman History*.
 Vertot's *Revolutions of Rome*.
 Gibbon's *on the decline of the Rom: Empire*.
 Kennet's *Roman Antiquities*.
 Plutarch's *Lives*.

ITALIAN.

Guicciardini's *History*.
 Giannini *History of Naples*.
 Nani *History of Venice*.
 Padre Paolo *on the Venetian Republic*.

GERMAN & HOLLAND.

Histoire d'Allemagne par Barre.
 Pfeffel *Abregé chronolo: de l'hist: d'Allema:*
 Puffendorf *de origine imperii german: notis Titii*.
 Robinson's *History of Charles V*.
 Bentivoglio *History of war in Flanders*.
 Le Clerk's *History of the United Provinces*.
 Strada.
 Grotius *de rebus Belgicis*.
 De Witt's *State of Hollaud*.
 Watson's *History of Philip II*.

FRENCH.

Histoire de France de l'abbé Veli Villaret, Garnier et continueteurs.
 D'avila *History of Civil Wars of France*.
 Philip de Comines.
 Sully's *memoirs*.
 Prefixe *Henry IV*.
 Cardinal de Retz *Memoirs*.
 Voltaire's *Louis XIV*.

BRITISH.

Matthew Paris by Watts.
 William of Malmbury.
 Polydore Virgil.
 Rappin's *History of England*.
 Hume's *History of England*.

Kennett's English History.
Clarendon's History.
Ludlow's Memoirs.
Littloton's History of Henry II.
Parliamentary History.
Parliamentary debates.
Annual Register.
History of the Reign of Geo: III.
Cabàla.
Rushworth's Collection.
Thurloe's State papers.
Parliamentary Register.

SCOTCH.

Robinson's History of Scotland.

IRISH.

Leland's History of Ireland.

SPANISH & PORTUGUESE.

Mariana's History of Spain.
Miniana.
Revolutions d'Espagne du P. D'Orleans du Vertot.
Revolutions of Portugal by Vertot.

PRUSSIAN.

Memoirs of the House of Brandenburg.

RUSSIAN.

History of Peter the Great by Voltaire.

DANISH.

Molesworth's account of Denmark.
History of Denmark by Mallet.

SWEEDISH.

Dallin's History of Sweeden.
Mallet's form of gov^t in Sweeden.
Vertot's Revolutions of Sweeden.
Sheridan's do. of do.

POLISH.

Abbe Coyer's History of J. Sobiesky.
Williams History of the Nort^h Gov^{ts}

SWISS.

Stanyan's History of Switzerland.

GENEVAN.

Keate's History of Geneva.

TURKES.

Mignot's History of the Ottoman Empire.

P. Recaut's do.

CHINESE.

Duhaldes History of China.

Politics.

Plato's Republic by Spend.

Aristotles d^e

More's Utopia.

Filmer on Government.

Hooker's Ecclesiastical polity.

Hobbe's works.

Harrington's works.

Sidney on Government.

Locke on Government.

Macehiavelli's works.

Father Paul on the Venetian Republic.

Montagu's rise & fall of antient republics.

Montesquieu's works.

Beccaria's works.

Ferguson's History of Civil Society.

Miller on distinction of Ranks in Society.

Steuart's principles of Political economy.

Smith on the wealth of Nations.

Baron Biefield's political Institutions.

Histoire politique du siecle par Maubert.

Richlieu's Political Testament.

do Witt's Maxims.

Petty's political Arithmetic.

Wallace on the numbers of mankind.

Davenant's Works.

Temple's works.

Hume's political essays.

Postlethwayt's works.

Anderson's Dictionary of Commerce.
Burgh's political disquisitions.
Price's Political works.
Gee on trade.
Child on trade.
Tucker on trade.
Law on money & trade.
Arbuthnot on weights & measures.
Locke on money.
Lowndes on d^o
Necker on Finance.

Law.

Justinian's Institutes by Harris.
Codex juris civilis.
Taylor's elements of Civil Law.
Domat's Civil Law.
Coke's Institutes.
Blackstone's Commentaries.
Cunningham's Law Dictionary.
Statutes at large by Rufhead.
Lex Parliamentaria.
Cunningham's law of Exchange.
Collection of Laws to prevent frauds in the Customs.
Book of rates.
Clarke's practice of Courts of Admiralty.
Fredencian Code.

War.

Vauban's Works.
Bellidore's Works.
Fouquier's Memoirs.

Marine.

Falconer's Universal Dictionary of Marine.
Burchett's Naval History.
History of the Several Voyages round the Globe.
Murray's Ship Building and Navigation.
Collection of best Charts.
Naval architecture. By Marmaduke Stalkartt. Fol. £6.6.

Languages.

Best latin Dictionary with best grammar & dictionary of each of the modern languages.

America.

Les nouvelles descouvertes dans l'Amerique Septentrionale. Paris 1697.

Forti's account of la Sale's voyage to N. America.

Histoire de l'Amerique Septentrionale par Baquville de la Poterie. Rouen 1722.

Discription géographique et historique des cotes de l'Amerique Septen^{le} par le Sieur Denys.

Oldmixon's Brit: Empire in America.

Kalm's travels through N. America.

Carver's travels through N. America.

Ogilvie's America.

Novus orbis, autore Joanne de Laet: fol: Basiliae 1555.

Novæ novi orbis historiæ, i. e. rerum ab Hispanis in India occidentali gestarum calvetonis Geneva 1578.

Wafer's Voyages.

Dampier's Voyages.

Chancellor's.

Borough's.

Forbisher's.

Hudson's.

Davis's.

Baffin's.

James's.

Wood's.

Ellis's voyage to Hudson's Bay.

Voyage au pays des Hurons par Gab^l Sabard Theodat. Paris 1632.

Mœurs des Sauvages de l'Amerique par Lafitau.

Adair's History of the American Savages.

Hennepin's Voyages.

La Hontan's d^e

Jonc's Journal to the Indian nations.

Voyage de la nouvelle France par le Sieur Champlain.

Histoire de la Nouvelle France par l'Escarbot. Paris.

Histoire de la N^{le} France avec les fastes chronologiques du nouveau monde par le pere Charlevoix.

Memoirs des rois de France & de l'Angleterre sur les possessions, &c. en Amerique 1755. 4 Vol: 4^e

Relation d'un voyage en Acadie par Dierville. Rouen 1708.

Josselyn's account of New England.

Thomas's account of Pennsylv^a & N. Jersey.

- Purchases Pilgrimage. 5 Vol: fol:
Hackluyt's Voyages.
Abbe Reynal's Hist: Pol: & Philos: of East & W. Indies.
Robinson's History of America.
Russell's Hist: of d^e
Colden's History of the 5 Nations.
Burke's account of the Europ: Settlem^{ts} in America.
Douglas's Summary.
Collection of Charters.
Neal's History of New England.
Prince's Chronological History of N. England.
Tracts relating to N. England by Cotton Mather.
Mather's ecclesiastical History of N. England
Hubbard's History of N. England.
Morton's New England's Memorial.
Hutchinson's History of Massachusetts bay.
Collection of papers relating to the History of d^e
Smith's History of N. York.
Smith's History of N. Jersey.
Historical review of Penns^a by ~~Franklyn~~.
Franklin's other works.
Smith's History of Virg^a
Beverley's d^e of d^e
Keith's d^e of d^e
Stith's d^e of d^e
De incolis Virginiae ab Anglico Thoma Heriot.
Discourses of Virginia.
Virginia by E. W.
Jones's present State of Virginia.
A discourse & view of Virg^a by S^r W^m Berkeley Gov^r 1663.
An account of the life & death of Nat: Bacon. 1677.
History of the present State of Virginia.
A Short collection of the most remarkable passages from the
original to the dissolution of the Virg^a Company. 1651.
Lederer's discoveries in Virginia and Carolina in 1669 & 1670,
by S^r W^m Talbot. 1672.
Brickell's History of North Carolina.
Lawson's d^e of d^e
Description of South Carolina with its civil Natural and commercial
History. 1762.
Huet's History S. Carolina.
Collection of papers relative to Georgia.

- Laws of each of the United States.
 All Treaties entered into with the natives of N. America.
 All the political tracts which have been or may be published & may
 be judged of sufficient importance.
 Brown's History of Jamaica.
 History of Barbadoes.
 Garcilasso de la Vega's History of Florida.
 Cox's Account of Florida.
 Romans's History of Florida.
 Memoirs sur la Louisiane par du Pratz.
 Description de la Louisiane par Hennepin.
 Bossu's travels through Louisiane.
 Venegas's History of California.
 Muratori il christianissimo felice.
 Voyages et decouvertes des Espagnols dans les Indes occidentales
 par Don Bernardo de las casas.
 Herrera's History of the Spanish colonies in America.
 de Solis's History of the Conquest of Mexico by F. Cortez.
 Voyages de Gage.
 Houston's Memoirs.
 Bouguer voyage au Perou.
 Garcilasso de la Vega's History of the Incas of Perou.
 Histoires des Guerres civiles des Espagnols dans des Indes, de
 Garcilasso de la Vega.
 Histoire de l'Orenoque par Gumilla.
 Bancroft's Natural History of Guiana.
 Les voyages de Coreal. 1722.
 Falkner's description of Patagonia.
 Nouveau voyage aux isles de l'Amerique.
 Histoire de St Domingue par Charlevoix.
 Chanvalon's Voyage à la Martinique
 Acuogna's relation of the river of Amazons.
 Tecko's History of Paraguay.¹

¹ This report, in the writing of James Madison, is in the *Papers of the Continental Congress; Miscellany*. It is indorsed by Thomson: "Report of Com^o. List of Books to be imported for the use of Congress Read Jan^y 24, 1783. Question taken to empower Superint: finance & Sec^y to import them. Passed in the negative." According to the record in Committee Book No. 186, the motion was referred to the committee November 21, 1782.

On this day, as the indorsement states, was read a letter of the 24th from the Superintendent of Finance stating that he intends to leave the office of Finance at the end of May next. It is in No. 137, II, folio 115.

SATURDAY, JANUARY 25, 1783

The grand committee, consisting of a member from each State, [Mr. Phillips White, Mr. Samuel Osgood, Mr. Jonathan Arnold, Mr. Oliver Wolcott, Mr. Alexander Hamilton, Mr. Silas Condict, Mr. Richard Peters, Mr. Philemon Dickinson, Mr. Daniel Carroll, Mr. James Madison, Mr. Abner Nash, Mr. John Rutledge] report,

“That they have considered the contents of a memorial presented by the army, and find that they comprehend five different articles.

1st. Present pay.

2d. A settlement of accounts of the arrearages of pay and security for what is due.

3d. A commutation of the half-pay allowed by different resolutions of Congress for an equivalent in gross.

4th. A settlement of the accounts of deficiencies of rations and compensation.

5th. A settlement of the accounts of deficiencies of clothing and compensation:” Whereupon,

Resolved, As to the first, that the Superintendant of finance be directed conformable to the measures already taken for that purpose, as soon as the state of public finances will permit, to make such payment and in such manner as he shall think proper, until the further order of Congress.

Resolved, With respect to the 2d article, so far as relates to the settlement of accounts, [that the several states be called upon to complete, without delay, the settlements with their respective lines of the army, up to the ~~31 December~~ first day of August, 1780, and] that the Superintendant of finance be ~~also~~ directed to take ~~the most effectual, speedy and satisfactory means~~ such measures as shall appear to him most proper for effecting the settlement from that period.

On a question to substitute "the first day of August," for "the thirty-first day of December," the yeas and nays being required by Mr. [John Taylor] Gilman,

<i>New Hampshire,</i>				<i>Delaware,</i>			
Mr. Gilman,	no	}	no	Mr. Dickinson,	ay	}	ay
White,	no			Wharton,	ay		
<i>Massachusetts,</i>				<i>Maryland,</i>			
Mr. Osgood,	no	}	no	Mr. Carroll,	ay	}	*
Gorham,	no			<i>Virginia,</i>			
<i>Rhode Island,</i>				Mr. Jones,	ay	}	ay
Mr. Collins,	no	}	no	Madison,	ay		
Arnold,	no			Bland,	ay		
<i>Connecticut,</i>				<i>North Carolina,</i>			
Mr. Ellsworth,	ay	}	ay	Mr. Hawkins,	ay	}	ay
Wolcott,	ay			Nash,	ay		
Dyer,	ay			Williamson,	ay		
<i>New York,</i>				<i>South Carolina,</i>			
Mr. Floyd,	ay	}	ay	Mr. Rutledge,	ay	}	ay
Hamilton,	ay			Ramsay,	ay		
<i>New Jersey,</i>				Izard,	ay		
Mr. Boudinot,	ay	}	ay	Gervais,	ay		
Condict,	ay						
<i>Pennsylvania,</i>							
Mr. Mifflin,	ay	}	ay				
Fitzsimmons,	ay						
Wilson,	ay						
Montgomery,	ay						
Peters,	ay						

So it passed in the affirmative.

As to what relates to the providing of security for what shall be found due on such settlement:

Resolved, That the troops of the United States in common with all the creditors of the same, have an undoubted right to expect such security; and that ~~it is the duty of Congress, both from motives of justice and policy to Congress will~~ make every effort in their power to obtain from the respective states substantial funds, adequate to the object of funding the whole debt of the United States, and will enter upon

an immediate and full consideration of the nature of such funds, and the most likely mode of obtaining them.

With respect to the 3^d article,

Resolved, That it be left to the option of all officers entitled to half pay either to preserve their claim to that provision as it now stands by the several resolutions upon that subject, or to accept in lieu thereof ~~six~~ years full pay, to be paid to them, in one year after the conclusion of the war, in money, or placed upon good funded security bearing an annual interest of six per cent, provided that the allowance to widows and orphans of such officers as have died or been killed, or may die or be killed in the service during the war, shall remain as established by the resolution of the

With respect to the 4th and 5th articles the Committee beg leave to delay their report, until they have obtained more precise information than they now possess upon the subject.¹

Ordered, That the remainder of the report be referred to a committee of five: the members, Mr. [Samuel] Osgood, Mr. [Thomas] Fitzsimmons, Mr. [John Lewis] Gervais, Mr. [Alexander] Hamilton, Mr. [James] Wilson.²

Ordered, That it be an order of the day for Monday next, to take into consideration the means of obtaining from the several states substantial funds, for funding the whole debt of the United States.

The committee of the week [Mr. Theodorick Bland, Mr. Benjamin Hawkins and Mr. John Montgomery] report that the memorial of Captain Buchanan be referred to the Secretary at War to enquire into the facts stated therein and to report to Congress how far a

¹ This report, in the writing of Alexander Hamilton, except the passage in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 21, folio 319, and is indorsed: Report of Grand Committee, delivered January 22, 1783, read. To be considered 23. 23 debated; postponed till 24. Part agreed to, 25. The two last paragraphs referred to Mr. [Samuel] Osgood, Mr. [Thomas] Fitzsimons, Mr. [John Lewis] Gervais, Mr. [Alexander] Hamilton and Mr. [James] Wilson. According to Committee Book 186, this committee reported February 3. See *post* February 25, and April 29.

The memorial is in No. 42, VI, folios 59-64. According to Committee Book, No. 186, it was referred to the Grand Committee January 6, and the report was delivered January 22.

² The proceedings for this day, up to this point, were entered in the Journal by George Bond.

compliance with the prayer of the memorial will correspond with or contravene the regulations of Congress in similar cases.¹

MONDAY, JANUARY 27, 1783

Mr. [Arthur] Lee, a delegate for Virginia, attended, and took his seat.

The delegates of Virginia laid before Congress an act of their legislature, repealing the act entitled "an act to enable the Congress of the United States to levy a duty on certain goods and merchandises, and also on all prizes;" also sundry resolutions of the legislature.

Congress proceeded on the order of the day, but came to no resolution thereon.²

TUESDAY, JANUARY 28, 1783

The Commander in Chief having in a letter of 20, informed Congress of the death of Major General Lord Stirling.

On motion of Mr. [Richard] Peters, seconded by Mr. [Philemon] Dickinson,

Resolved, That the President signify to the Commander in Chief, in a manner the most respectful to the memory of the late Major General the Earl of Stirling, the sense Congress entertain of the early and meritorious exertions of that general in the common cause, and of the bravery, perseverance and military talents he possessed; which having fixed their esteem for his character, while living, induce a proportionate regret for the loss of an officer who has rendered such constant and important services to his country.³

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 42, 1, folio 297. Buchanan's memorial, dated December 13, 1782, is on folio 294.

² This act is in the *Papers of the Continental Congress*, No. 75, folio 373.

On this day, as the indorsement states, was read a letter of January 20 from the General Washington. It is in No. 152. XI. folio 59.

³ This motion, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 36, 2, folio 11.

Congress proceeded in the consideration of the subject under debate yesterday, agreeable to the order of the day, but came to no resolution thereon.

[Motion of Mr. Richard Peters]

Resolved, That the accounts of ~~Lieut. Col. Morris~~ all officers holding a brevet rank be adjusted according to the such rank as ~~he holds by his brevet~~ while he was in actual service.¹

WEDNESDAY, JANUARY 29, 1783

Congress proceeded in the consideration of the subject under debate yesterday, agreeable to the order of the day; and,

On motion of Mr. [John] Rutledge, seconded by Mr. [Theodorick] Bland,

Resolved, That Congress be resolved into a committee of the whole, to consider of the most effectual means of restoring and supporting public credit; and that the motion before the house be referred to that committee.²

1783. Jan'y 29th, Com^{ee} of the whole.

The Com^{ee} have taken under consideration the motion referred to them by the house, and recommend to strike out "to" after the word "funds" and in lieu thereof insert the words "on funds or duties which shall" And after the word "generally" insert "and on the whole in just proportion" to change indispensable into indispensably and immediately after to insert "necessary towards" instead of "for" so that the motion amended may read as follows:

That it is the opinion of Congress that the establishment of permanent and adequate funds, *on taxes or duties which shall operate generally, and on the whole in just proportions* throughout the U. S. are indispensably *necessary towards* doing complete justice to the public creditors, for restoring public credit and for providing for the future exigencies of the war.

Agreed to February 12, 1783

¹ This motion, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 149, II, folio 224. The indorsement states that it was referred on this day to the Secretary at War.

² This motion, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 99.

The Committee have likewise taken into consideration the report of the Grand Committee appointed to devise and report &c. and recommend to insert the words "All lands in such State granted to or surveyed for any purpose" after the words "value of," and the following amendment to be added to the report.¹

Resolved, That whenever the house is resolved into a Committee of the whole, the chairman of the committee be elected by ballot.

That whenever Congress shall resolve itself into a committee of the whole, ~~the committee shall vote by states and~~ the question shall be determined by the same rules ~~of voting~~ which would govern it in Congress.²

The house was then resolved into a committee of the whole, for the purpose above mentioned. Mr [Daniel] Carroll was elected to the chair.

After some time, the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee of the whole had taken into consideration the subject referred to them, and made some progress, but not having come to a conclusion, desire leave to sit again to-morrow.

Resolved, That to-morrow morning Congress be again resolved into a committee of the whole, to consider farther the most effectual means of restoring and supporting public credit.

That the Judges of the court of Appeals be directed to hold a Court at Hartford on the second Monday in May, at Philadelphia on the second Monday in September, and at Richmond on the second Monday in January.³

¹ This report, in the writing of Charles Thomson for the first paragraph and Daniel Carroll for the two following paragraphs, is in the *Papers of the Continental Congress*, No. 36, III, folio 447.

² This motion, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 36, II, folio 83. It is undated.

³ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 29, folio 399. The indorsement states that it was on this day referred to Mr. [Hugh] Williamson, Mr. [John Taylor] Gilman and Mr. [Richard] Peters, and Committee Book No. 186 shows that a report was made March 17.

WAR OFFICE, *January 29th, 1783.*

SIR,

On a motion by Mr Peters respecting Brevet officers, referred to the Secretary of War, I beg leave to submit the following draught of a resolve to the consideration of Congress:

Resolved, That the accounts of all officers holding a Brevet rank be adjusted according to such rank while in actual service, which shall be ascertained by a certificate from the Commander in Chief or the Commanding General of ~~the District~~ a separate Army in which such officers shall serve.¹ [Negatived].

THURSDAY, JANUARY 30, 1783

The committee, consisting of Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons, Mr. [Alexander] Hamilton and Mr. [David] Ramsay, to whom were referred the memorials of the representatives of the Commonwealth of Pennsylvania, of the 28 of August and 12 of November last, reported an answer, which was agreed to as follows:

The memorial of the 28 of August states, that their constituents labour under grievances, because they are not enabled to settle their accounts against the United States, and because they cannot obtain payment of the debts due to them by the public, nor receive interest on loan-office certificates, dated subsequent to the month of February, 1778. It states further, that apprehensions had taken place, that the interest on certificates of a prior date, would be suspended; that other states made, and were making provision for ascertaining and paying sundry debts due to their citizens, and that the suspension of payments complained of, was a material impediment to the collection of taxes; after which follows a request that Congress will be pleased to devise and recommend such general plan as they shall think adequate and effectual, for settling and ascertaining the unliquidated debts of the United States, and for paying the same, or at least some part thereof, and also for the regular

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 225.

and punctual payment of the interest on all the public debts, as well on loan as otherwise, until the principal shall be finally discharged.

The subsequent memorial of the 12 November, after referring particularly to the former, and observing that the business was yet uneffected, declares the assembly to be deeply impressed with the absolute necessity, that speedy and effectual measures be taken to afford relief to the public creditors, at least so far as to liquidate and ascertain their respective claims, and to secure to them the payment of the interest due thereon, until the principal be discharged; and then requests, that Congress will be pleased to give them such information as will enable the house to judge what steps it may be proper to take, in order to afford that effectual relief to the public creditors in Pennsylvania, which they conceive it to be their indispensable duty to procure.

On these memorials Congress remark,

That the objects to which they relate must necessarily depend on the compliances of the several states with the requisitions of Congress:

~~who, not being possessed of legislative authority, are not competent to afford the desired relief.~~

That the interest payable by bills of exchange on loan-office certificates

~~prior to the month of March, 1778, was expressly limited to a period which had fully elapsed when the cessation of the payment took place; that although from that circumstance alone the stoppage of such interest cannot be reprehended yet it was not prohibited.~~

continued until an express declaration made to Congress, *that those who should draw bills for that purpose must provide for the payment of them:*

That Congress are not informed of any State which has taken separate measures for satisfying its own citizens who are public creditors; and that there does not appear a possibility of making such a private and partial provision because

the various certificates are principally made payable to the bearer of them, and have been transferred and negotiated. A provision for them by any State, must therefore exclude the demands of many of its own citizens, or admit the demands of all:

That the attempts to pay any of the past debts, would form so heavy a deduction from the greatest revenue which can be raised, as would totally obstruct all present service. Wherefore, the provision to be made at present ought to be confined to the interest of the public debts:

That such provision would afford eventual relief to the public creditors, and enable them to support their share of the public burthens, without appropriating the whole revenue which can be drawn from the people, to a payment of debts, and leaving thereby the public service unprovided for, which would involve the ruin of all ranks, whether creditors or others:

That Congress are and have long been deeply impressed with the absolute necessity that speedy and effectual measures should be taken, first, to liquidate and ascertain the public debts, and secondly, to secure the payment of the interest, until the principal could be discharged, as will appear from the following facts:

That for the first of these essential objects Congress had made provision by their acts of the 20 and 27 February last, and have reason to believe, from the information contained in a letter from the office of finance, dated 3 December following, and the report of a committee thereon (both which are annexed) that the plan adopted will speedily be in an effectual train of execution throughout the United States:

That the duty of five per cent. was recommended by Congress so early as the 3d of February, 1781; ~~and that important steps towards accomplishment of the second object would long since have been followed by other recommendations of a similar kind,~~ but after a delay of near two

years, Congress have the mortification to find, ~~that the grant of this revenue is fettered with undue restrictions~~ that one State entirely refuses its concurrence, that another has withdrawn its assent once given, and that a third has returned no answer:

That when Congress received the determination of the State of Rhode Island on that subject, they resolved to send a solemn deputation to that State, to induce a re-consideration of the measure. At the moment when the committee were about to depart, intelligence was received that Virginia had repealed the act formerly passed on that recommendation, which has placed the business on a new ground, and compelled Congress to take it up in a more extensive view.

The inability of Congress to perform the engagements taken with the public creditors will readily appear, when it is considered how defective have been the compliances of the states, in every period of the war.

~~It is to their deficiencies that may principally be attributed the rapid depreciation of paper money as well as the total abolition of it, and the pernicious expedients which Congress was driven to adopt.~~

~~Among the expedients dictated by a harsh necessity must be mentioned the drawing of bills of exchange on their ministers in France, Spain and Holland, without the knowledge of any funds for their acquittal. These bills being drawn at long sight and remitted at different periods have as well as the bills for interest finally come upon the American minister in France, and formed a very heavy deduction from the supplies granted to Congress by his Most Christian Majesty.~~

Without recurring to details previous to the year 1782, it will be sufficient to state the situation of the finances for that year, which is as follows: Congress, by their resolution of 30th of October, 1781, demanded eight millions of dollars for the service of the ensuing year. Without noticing the lesser neglects of their requisition, the annexed account will shew, that only 420,031 29-90 have been received.

The precise state of monies in Europe cannot be ascertained, until the final settlement of the accounts there; because the bills drawn on Spain and Holland, having been finally paid, and made payable in France, the sum in livres of those which remained due at the close of the year 1781, and which had been drawn in guilders and dollars, must depend on the different exchanges between Amsterdam, Madrid and Paris. But, according to the best accounts which can be obtained, the anticipations made in the funds for the year 1782, amounted at the close of 1781, to four millions of livres. For the service of that year, his most Christian Majesty lent the United States six millions livres. In addition thereto, Mr. Adams opened a loan in Holland, for ten millions of livres, but, by the last accounts from him, he had obtained only three millions; so that the whole sum borrowed for the year 1782, being nine millions, there remained, after deducting the anticipations, only five millions, which, according to the course of exchange which has prevailed, will amount to 833,333 30-90 dollars.

By the annexed account of the receipts and expenditures for the year 1781, it appears that there were in the treasury, at the commencement of the year 1782, 292,453 69-90 dollars, so that the whole amount of the sums which Congress have had to carry on the public business for the year 1782, is no more than 1,545,818 30-90 dollars.

From the annexed estimates it will appear, that the pay of the American army, according to the present reduced establishment, amounts to

3,038,795 32-90

That the cloathing amounts to - - - 1,165,263

That the rations, besides those issuable

to prisoners, amount to - - - - 1,509,552

5,713,610 32-90

So that the three branches of feeding, cloathing and paying the army on its present establishment, would amount to

5,713,610 32-90 without entering into the other branches of service, or considering the necessity of tents, firing, camp utensils, horses, carriages, forage, military stores, hospital, and the like.

The incompetency of the revenue will appear from a comparison of it with the sums necessary for feeding and cloathing the army, which services alone amount to above two millions and an half of dollars. And what must place the matter in a still more striking point of view, is, that the whole sum which Congress could command was not sufficient to pay the interest then due on the public debts. Every circumstance, therefore, which has hitherto retarded the measures which Congress have adopted for making provision for the public debts, has increased the necessity of making such a provision. And therefore, notwithstanding the discouraging obstacles they have hitherto encountered, they conceive it a duty to themselves and to their constituents, to persevere in their intentions, and to renew and extend their endeavours to procure the establishment of revenues equal to the purpose of funding *all* the debts of the United States. And they think it proper to inform the assembly of Pensylvania, that this subject is now before them, under solemn deliberation, and that the ready and early compliance of the legislature of Pensylvania, with the recommendation of the 3d February, 1781, assures Congress of the vigorous support of that State.

Among the steps taken by Congress to secure the debts incurred for the common defence, they must not omit to mention the recommendation of the 6 September, 1780, for a cession of part of the western territory, claimed by particular states. In consequence thereof, New York has made a cession accepted by Congress, the nature ~~and extent~~ of which will appear by the act herewith communicated.

Virginia and Connecticut have also made cessions, the acceptance of which have been hitherto delayed by peculiar

circumstances. Other states, claiming western territory, have not yet complied with the recommendation. Congress cannot help calling the serious attention of the legislature of Pennsylvania to that subject, which they consider as of importance, not only as it may affect the public credit, but as it will contribute to give general satisfaction to the members of the union. They intend also to renew their instances with the other states on the same occasion.¹

FRIDAY, JANUARY 31, 1783

A grand committee, consisting of a member from each State, to whom was referred the report of a committee on "the mode of estimating the value of lands in the United States, with the buildings and improvements thereon, for the purpose mentioned in the Articles of Confederation," brought in a report, and the same being read:

Ordered, That it be referred to the committee of the whole.

Congress was then resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee of the whole have had under their farther consideration the subjects referred to them, and have made some progress, but

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 20, II, folios 141-149. A draft of the report, in the writing of a clerk is in No. 49, folios 445-452.

The following paragraphs, in No. 36, II, folio 97, the first in the writing of James Wilson, the second in that of Richard Peters, are among several motions of which Thomson's indorsement states: "Some passed, some negatived:"

"Among the disagreeable expedients, which Congress were driven to adopt, the drawing bills of exchange on their Ministers in F[rance] S[pain and] H[olland] must be mentioned. These bills being drawn at a long sight, and remitted at different periods have, as well as the bills of interest finally come upon the Am. M. in France and formed a very [serious?] deduction from the supplies granted to C[ongress] by S. M.

Congress therefore earnestly recommend to the State of Pennsylvania not to entertain an idea of diverting the funds intended for the support of the war credit of the United States to the partial purpose of satisfying the demands of their own citizens which would not only embarrass the measures of Congress, but in its consequences tend to a dissolution of the Confederacy."

not having come to a conclusion, desire leave to sit again on Monday.

Ordered, That leave be granted.

[Mr. Theodorick Bland's Motion, January 31, 1783. Referred to Mr. Thomas FitzSimons, Mr. Oliver Ellsworth, Mr. John Lewis Gervais, Mr. Nathaniel Gorham, Mr. Alexander Hamilton.]

Move that the Superintendant of Finance in consideration of the destruction and loss of papers and vouchers for public expenditures sustained by the State of Virginia during the invasion of that State, be directed to admit in the adjustment of that State's account with the U. S. charges that shall appear reasonable from circumstantial proof, and where the defect of positive proof arises only from the loss and destruction of the papers by the enemy.¹

Ordered, That a letter of 30th January from the Superintendent of Finance, enclosing one from T. Pickering, Quarter Master General, relative to suits brought against him, be referred to Mr. [James] Wilson, Mr. [John] Rutledge and Mr. [Alexander] Hamilton.²

Ordered, That the following resolutions of the Legislature of Virginia be referred to a committee of five, viz:

A resolution of the 28th December, 1782, relative to the shipment of tobacco by the Ships *New York* and *Fame*;

One ditto of the same date relative to loss of vouchers, and a motion of Mr. [Theodorick] Bland thereon;

And another of do. ordering the payment of 50,000 pounds in part of their Quota of 8,000,000 dollars, declaring they can pay no more at present, but promising to pay 174,000 dollars more for their Quota of 8 million, and 290,000 for current support of the War."

The members, Mr. [Thomas] Fitzsimmons, Mr. [Oliver] Ellsworth, Mr. [John Lewis] Gervais, Mr. [Nathaniel] Gorham and Mr. [Alexander] Hamilton.³

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 15.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*; and in Committee Book No. 186.

³ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. The Virginia Resolutions are in the *Papers of the Continental Congress*, No. 75, folios 376, 380 and 382. According to the record in Committee Books No. 186 and No. 191, a report on the first two resolutions and Bland's motion was delivered February 6, and acted upon, February 10. On the third resolution, no report appears to have been rendered, and the committee was discharged May 6, 1783.

TUESDAY, FEBRUARY 4, 1783

Mr. Samuel Holten, a delegate for the State of Massachusetts, attended and produced his credentials, by which it appears that on the 4 of October, 1782, he was appointed a delegate to represent that Commonwealth until the 5 day of November, 1783.

COMMONWEALTH OF MASSACHUSETTS

By His Excellency John Hancock Esq: Governor and Com-[Seal] mander in Chief in and over the Commonwealth of Massachusetts

To all unto whom these Presents shall come Greeting

Whereas the General Court of this Commonwealth did on the twenty fourth day of October 1782 agreeable to the Constitution of said Commonwealth appoint the Honble Samuel Holten Esq: a Delegate to represent this Commonwealth in the General Congress of the United States of America

Now therefore Know Ye That I do by these Presents, and in pursuance of the said Appointment Commission the said Samuel Holten Esq: to represent this Commonwealth in Congress and Vest him with all and Singular the Powers and Authorities to the said Office or Place of Delegate belonging by Virtue of the Constitution of this Commonwealth and the Appointment aforesaid And to hold said Office until the fifth day of November 1783 And the said Samuel Holten Esq: is hereby required to observe the Instructions which from time to time shall be given to him by the General Court of this Commonwealth.

In Testimony whereof I have caused the Public Seal of this Commonwealth aforesaid to be hereto affixed

Witness John Hancock Esq: Governor and Commander in Chief of the said Commonwealth

Dated at Boston the Twentieth day of November in the Year of Our Lord One Thousand Seven Hundred and Eighty two—And in the Seventh Year of the Independence of the United States of America

JOHN HANCOCK

By His Excellency's Command

JOHN AVERY *Sec^y*

COMMONWEALTH OF MASSACHUSETTS
COUNCIL CHAMBER BOSTONNov^r. 22^d. 1782

These Certify That the Honble Samuel Holten Esq^r was Elected the 24th of October last, a Delegate to represent this Commonwealth in Congress by joint Ballot of the Senate & House of Representatives agreeable to the Constitution to serve for one Year to commence the first Monday of November inst^t

JOHN AVERY Sec^y¹

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee had considered farther the subjects referred to them, and desire leave to sit again:

Ordered, That leave be granted.

The Committee of the Week [Mr. Arthur Lee, Mr. Samuel Wharton and Mr. John Collins] report that the petition of Thos. Wiggans praying for support from Congress, and offering his services to the United States on any expedition or at any post on the frontiers, should lie on the table.²

¹ The originals are in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. They were entered in No. 179, *Record of Credentials*, and not in the Journal.

² This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 32, folio 445. By the indorsement it was dated this day. The memorial of Thomas Wiggans is in No. 41, X, folio 597; and the indorsement shows that it was read on this day, and referred to Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Samuel] Osgood, who made a report on March 18.

On this or an approximate day was read a letter of January 9 from Thomas Chittenden. It was referred to Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, Mr. [Arthur] Lee, Mr. [John Taylor] Gilman and Mr. [Oliver] Wolcott. It is in No. 40, II, folio 351-361. According to Committee Book, No. 186, the committee reported on this letter May 26 and at the same time on one of February 11 from General Washington with his correspondence with Thomas Chittenden; one of February 25 from Governor Clinton to the delegates of New York; and one of March 18 from Thomas Chittenden. The committee had been changed, April 28, by Phillips White and John Francis Mercer taking the places of Gilman and Wolcott. See *post* May 26.

On this or an approximate day, according to the indorsement and the entry in Committee Book No. 186, was presented a memorial of John Ross relative to the settlement of his accounts, dated Philadelphia, February 3, and referred to Mr. [Samuel] Osgood, Mr. [John Lewis] Gervais and Mr. [Daniel] Carroll, who reported May 2. Ross's letter transmitting the memorial is in No. 41, VIII, folio 322.

Also, on this day was read a letter of February 2 from the Governor of New Jersey, stating that he has detained two British subjects at Trenton. It is in No. 68, folio 603.

WEDNESDAY, FEBRUARY 5, 1783

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Ralph] Izard,

Resolved, That it be a rule of this house, that in a Committee of the Whole, the vote on every question which shall come before the Committee of the Whole, shall be taken by states. ~~And that a majority of the states then present shall determine every such question.~~¹

Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee had taken under their farther consideration the several matters referred to them, and have come to sundry resolutions which he was ordered to report; but that the committee, not having come to a conclusion, desire leave to sit again:

Ordered, That the committee have leave to sit again.

The resolutions reported from the committee of the whole being received and read:

Ordered, That they be taken into consideration to-morrow.

The Committee [Mr. John Rutledge, Mr. James Madison, Mr. James Wilson] appointed to meet a Committee of the assembly of Pennsylvania and hear a representation of doubts arisen on the construction of the ordinance of the 5th April, 1781, touching the persons that are to constitute the Court of Admiralty established by that ordinance, report, that they have accordingly met the committee of the assembly of Pennsylvania, and heard their representation of the doubt which has arisen in that assembly, on the Construction of the ordinance above mentioned, which doubt is, whether it is not necessary according to the said ordinance, that a Judge of the Court of Admiralty in the State, where the Court mentioned by the said ordinance is held, should not be one of the Judges of the said Court, or whether it may be holden by the judges of the Court of Common Law in such State, or any two of them without a Judge of the Court of Admiralty of such State.

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, 11, folio 17.

~~An ordinance to explain an ordinance entitled "an ordinance &c."~~

~~Whereas in and by an ordinance entitled an ordinance &c passed the 5th Day of April, 1781, the justices of the supreme or superior courts of Judicature, and judge of the Court of Admiralty of the several and respective states, or any two or more of them are constituted and appointed judges for hearing and trying the offences in the said ordinance mentioned, be it ordered and it is hereby ordered by the U. S. in Congress assembled and by the authority of the same that the judge of the Court of Admiralty in the State where the trial of offenders mentioned in the said ordinance is to be had and in case there shall be several judges of such court one of them to be commissioned by the supreme executive power of such State.¹~~

The Committee [Mr. Hugh Williamson, Mr. John Montgomery, Mr. Philemon Dickinson, Mr. Eliphalet Dyer and Mr. Silas Condict] to whom was refer'd the letter of the Post Master respecting a guard for the mail between Morris Town and Fishkill beg leave to submit the following Report,

That when it shall appear by representations of the ~~Commander-in~~ Chief Post master general or otherwise that the public mail is in danger from the Enemy, Congress will take the necessary measures for appointing a sufficient guard.²

THURSDAY, FEBRUARY 6, 1783

Mr. John Francis Mercer, a delegate for the Commonwealth of Virginia, attended and produced his credentials, by which it appears, that on the 18 of December, 1782, he was elected in the room of Edmund Randolph, esq. resigned, to represent that State until the first Monday in November next.

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 20, II, folio 113. According to the indorsement it was recommitted this day "to report what is proper to be done." According to the record in Committee Books No. 186 and No. 191, Mr. [Richard] Peters was appointed on the committee in place of Wilson, and a report was delivered March 3. The resolution of the Pennsylvania General Assembly is on folio 111.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 61, folio 139. The letter of Ebenezer Hazard, Post Master General, dated February 3, is in folio 135. The indorsement says it was read February 4. This report was probably presented this day. The committee appointment is entered in Committee Book No. 186, under date of February 4, but there is no record there of the report.

VIRGINIA

IN THE HOUSE OF DELEGATES

Wednesday the 18th of December 1782.

The House proceeded according to the Order of the Day by joint Ballot with the senate to the Choice of a Delegate to represent this State in Congress until the first Monday in November next in the room of Edmund Randolph Esq^r who hath resigned and the members having prepared Tickets with the Name of the Person to be appointed and deposited the same in the Ballot Boxes M^r Cabell, M^r Thompson and M^r Matthews were appointed a Committee to meet a Committee from the Senate and jointly with them to examine the Ballot Boxes, and report to the House on whom the Majority of Votes should fall.

The Committee then withdrew and after some Time returned into the House and reported that they had according to order met a Committee from the Senate in the Conference Chamber and jointly with them examined the Ballot Boxes and found a Majority of Votes in Favor of John Francis Mercer Esquire.

Extract from the Journal.

JOHN BECKLEY *C. H. D.*^s

VIRGINIA

IN THE SENATE

December 18th 1782.

The House proceeded according to the order of the day by joint ballot with the House of Delegates to the choice of a Delegate to represent this State in Congress until the first Monday in November next in the room of Edmund Randolph esquire who hath resigned and the members having prepared Tickets with the name of the person to be appointed and deposited the same in the ballot Boxes M^r Ellzey, M^r Bassett and M^r Jameson were appointed a Committee to meet a Committee from the House of Delegates and jointly with them to examine the ballot boxes and report to the House on whom the Majority of Votes should fall.

The Committee then withdrew and after sometime returned into the House and reported that they had according to order met a Committee from the House of Delegates in the Conference Chamber and jointly with them examined the ballot boxes and found a Majority of Votes in favor of John Francis Mercer esquire.

Extract from the Journal.

WILL DREW, *C. S.*¹

¹ The originals are in the *Papers of the Continental Congress, Virginia, Credentials of Delegates*. They were entered in No. 179, *Record of Credentials*, and not in the Journal.

According to order, the report of the committee of the whole was taken into consideration, and a proposition reported from the committee, being amended to read as follows:

The Committee, appointed to devise and report the most effectual mode of estimating the value of the lands in the United States for the purpose mentioned in the Articles of Confederation, submit the following Resolve, viz:

Whereas by the Articles of Confederation and perpetual union, it is agreed and declared that the United States in Congress assembled shall have authority to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences; that all charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint; and that the taxes for paying that proportion, shall be laid and levied by the authority and direction of the legislature of the several states, within the time agreed on by the United States in Congress assembled.

In order that the treasury of the United States may be supplied in the manner above mentioned, for defraying all the charges of war and other expences which have been or shall be incurred for the common defence or general welfare, and allowed by Congress, and that each State may have due credit, according to the principle aforesaid, for the sums of money which it has furnished on the requisitions of Congress, or for the service of the United States:

Resolved, That the legislatures of the several states be, and they are hereby required to pass laws, with such clauses and provisions as may be necessary and effectual, for forming or dividing their respective states into such districts as they may judge most convenient and proper, to procure an accurate estimate of the value of all lands in such State, granted to or surveyed for any person, and of the buildings and improvements thereon, appointing commissioners, principal freeholders, resident in the district where the land to be valued lies, to obtain such valuation; and directing that the said commissioners take an oath or affirmation, faithfully to execute the duties enjoined on them; that in each district, they return to the executive authority of the State, a list or schedule of the names of the respective owners of all the land in such district, which at the time of taking such list shall have been granted to or surveyed for any person, together with an account of the quantity of such land, and of the value in specie dollars of the same, and of the buildings and improvements thereon; and that the executive authority of the State transmit to Congress, on or before the first day of January next, returns of the quantity of land in each district, and of the value of the said land, and of the buildings and improvements thereon, [together with copies of the laws passed by the legislature for the purpose aforesaid, in order that Congress may examine such estimates, and if they shall be approved of by them, that they may proceed to make such requisitions upon the respective states, as shall be agreeable to the Articles of Confederation.]¹

¹ This report, in the writing of John Rutledge, except the part in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 24, folio 79. The following, in the writing of John Rutledge, is filed with the report, and is on folio 73: "~~together with copies of the Laws passed by the Legislature for the purpose aforesaid, in order that Congress, being possessed of the information above required, may determine on such mode as they shall think most proper for estimating the Value of the said Lands and of the Buildings and Improvements thereon in each State upon Principles of Justice and Equity.~~ R. That Congress will direct a mode whereby the Value of the said Lands and of the Buildings and Improvements thereon

A motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [Thomas] Fitzsimmons, to postpone the resolution before the house, and to take into consideration the following motion:

Whereas the carrying into execution the 8th Article of the Confederation, relative to a valuation of land, for ascertaining the quotas of each State towards the general expence, in a manner consistent with justice to all the members of the

in each State shall be Estimated upon Principles of Justice and Equity within three Months after the said 1 day of January next; ~~that they will do so with respect to such states as shall fail to make the returns aforesaid within the time above limited, upon the best information that Congress can otherwise obtain; and that the first estimate of valuation continue for a term not exceeding 5 years from the time when it shall be made.~~ According to the indorsements on the report, and the record in Committee Books Nos. 186 and 191, Mr. [John] Rutledge, Mr. [Samuel] Osgood, Mr. [Abner] Nash, Mr. [James] Madison and Mr. [James] Duane were appointed, on November 20, 1782, a committee to report on a motion of Mr. [David] Howell and Mr. [Joseph] Jones for estimating the value of lands. On December 6, Mr. [Abraham] Clark was appointed on the committee, in place of Duane. Rutledge submitted his draft to Nash, in a letter dated January 4, 1783, which is in No. 24, folio 72. The committee delivered a report, January 6, 1783, and Thursday, January 9, was assigned for its consideration. It was debated January 9 and consideration postponed "till tomorrow". On January 13 the report was referred to a grand committee, consisting of Mr. [John Taylor] Gilman, Mr. [Nathaniel] Gorham, Mr. [Jonathan] Arnold, Mr. [Eliphalet] Dyer, Mr. [Alexander] Hamilton, Mr. [Jonathan] Elmer, Mr. [James] Wilson, Mr. [Samuel] Wharton, Mr. [Daniel] Carroll, Mr. [James] Madison, Mr. [Benjamin] Hawkins and Mr. [John] Rutledge, and this committee was "to meet in the committee room Tuesday, January 14, in the afternoon at six o'clock". On January 31, the business was referred to the committee of the whole, and the amended report delivered February 6. It was debated and revised and on February 11 referred to another committee.

The following undated motion in the writing of Alexander Hamilton, and indorsed, "Motion of Mr. Hamilton," is in the *Papers of the Continental Congress*, No. 36, IV, folio 73:

Resolved, That in order to enable Congress to form an eventual plan towards carrying into execution the 8th article of confederation the several States be required to pass laws for forming or dividing their respective States into such districts as they judge most convenient for procuring an accurate valuation of the lands and of the buildings and improvements thereon, and to appoint Commissioners in each district to return to them the quantity of land in such District, the quantity surveyed, the quantity in actual occupation, the general quality of the land, the number and kind of buildings, the average rate at which lands under improvement and lands unimproved are usually sold in such district; and also an account of the males between 16 and 60, distinguishing the whites from the blacks, within such district, and that the executive of each State transmit such returns to Congress on or before the 1st of January 1784.

union, and with such accuracy as the importance of the subject demands, will necessarily be attended with very considerable expence, to which the present state of the public finances is inadequate: and whereas in a matter so fundamental in the Confederation, it is essential to the harmony and welfare of the United States, that the said article should be carried into effect with great care, circumspection and impartiality, and a short delay will be much less pernicious than a defective execution; therefore,

Resolved, That Congress are under a necessity of deferring the attempt to a period when the situation of the finances of the United States will admit of the necessary expence for effecting the object with as much precision and equity as possible; and that they will then proceed to such valuation, by commissioners appointed by them and acting under their authority, upon principles uniform throughout the United States: that when this valuation is complete, Congress will finally adjust the accounts of the United States with the States seperately, agreeable to that standard, making equitable abatements to such States as have been more immediate sufferers by the war; and in the mean time will adhere, in the temporary adjustment of those accounts, to the proportions established, from time to time, by the several requisitions of Congress; that, for the information of Congress, in forming an eventual plan, those States which have already made valuations of their lands respectively, be requested to transmit to Congress the amount of such valuations, with an explanation of the principles on which they have been made.¹

A division was called for, and on the general question to postpone the consideration of the resolution before the house, the yeas and nays being required by Mr. [Alexander] Hamilton,

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 31, folio 333.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} div.	Mr. Fitzsimmons,	ay	} ay
White,	no		Wilson,	ay	
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Osgood,	no	} no	<i>Maryland,</i>		
Gorham,	no		Mr. Carroll,	ay	} *
Holten,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	ay	} ay
Mr. Collins,	ay	} *	Madison,	ay	
<i>Connecticut,</i>			Bland,	no	
Mr. Wolcott,	ay	} div.	Mercer,	ay	
Dyer,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	} no
Mr. Floyd,	ay	} ay	Williamson,	no	
Hamilton,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Rutledge,	no	} no
Mr. Boudinot,	no	} ay	Ramsay,	no	
Condict,	ay		Izard,	no	
Elmer,	ay		Gervais,	no	

So the question was lost.

On the question to agree to the resolution, the yeas and nays being required by Mr. [John Lewis] Gervais,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	no	} div.	Mr. Fitzsimmons,	no	} no
White,	ay		Wilson,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Holten,	ay	} ay	Mr. Carroll,	no	} *
Osgood,	ay		<i>Virginia,</i>		
Gorham,	ay		Mr. Jones,	ay	} div.
<i>Connecticut,</i>			Madison,	no	
Mr. Wolcott,	ay	} ay	Bland,	ay	
Dyer,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	ay	} ay
Hamilton,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Rutledge,	ay	} ay
Condict,	no		Ramsay,	ay	
Elmer,	ay		Izard,	ay	
			Gervais,	ay	

So the question was lost.

The Committee [Mr. Alexander Hamilton, Mr. Richard Peters and Mr. Samuel Osgood] to whom was referred the Memorial from Mr De Cazeau report,

That it appears by Mr Cazeau's representation that he was possessed of large property in Canada—that he took an early and decided part in favor of the American revolution—rendered services to our army in that country by supplies of provisions and otherwise which were productive of immediate loss to him, and attempted to render still greater services in which he was unsuccessful; that his conduct and principles drew upon him the resentment of the British government which operated in the sequestration of all his property, in the imprisonment of himself and son and in other outrages; that he made his escape from prison, and after encountering many dangers and hardships, has arrived among us, destitute of every thing, to throw himself upon the justice and generosity of Congress.

That it appears by other respectable testimony that Mr Cazeau was a man of influence and property in Canada and has been ruined by his attachment to the American cause.

The Committee however are upon the whole of opinion, that as it is impossible now to judge of the eventual circumstances of Mr Cazeau and of the precise extent of his services and sacrifices, Congress ~~can~~ ought not at present to take up the general consideration of his case, but that policy and justice require as far as the situation of public affairs will permit some relief to his distresses, they therefore advise that the Superintendant of finance be directed to advance him one thousand dollars on account.¹

FRIDAY, FEBRUARY 7, 1783

On motion of Mr. [Arthur] Lee, seconded by Mr. [Richard] Peters,

Resolved, That the resolution reported by the committee of the whole, which was under debate yesterday, and on which a question was taken and lost, be re-considered and re-committed.

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, I, folio 551. The indorsement shows that it was referred on this day to the Superintendent of finance to take order. According to the record in Committee Book No. 186, the committee was appointed January 9.

Congress was then resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have taken into consideration the subject referred to them, but not having come to a conclusion, desire leave to sit again:

Ordered, That leave be granted.

In committee of the whole, February 7, 1783.

Question by Mr. [James] Madison:

Shall the states be called on to make and return to Congress an estimate of the value of the lands with the buildings and improvements as aforesaid within each state respectively?

Passed in the negative.

Question by Mr. [James] Madison:

Shall any period be fixed beyond which the rule which shall be eventually established in Congress shall not be in force?

Resolved unanimously in the affirmative.

Question, by do.:

What shall such period be?

Answered unanimously: Not exceeding five years and &c.¹

Mr. [James] Madison.

Shall the States be called on to make and return to Congress an estimate of the value of the lands with the buildings and improvements as aforesaid within each respectively?

N. H. Mass. N. J. Penn. Virg. no

Con. N. Car. S. C. ay

N. Y. divided.²

Shall the States be called upon to return the numbers of inhabitants distinguishing ~~such as are taxable~~ the numbers of whites and blacks.³

1783. Feb 7. In Com^o of the whole.

1. Shall the valuation of the land within the U. S. as directed by the articles of Confederation be immediately attempted?

~~2. Shall the said valuation be referred to the several States?~~

Mr. Madison, Boudinot, Resolved in the affirmative. 8 ayes; 1 no, New York.

¹ This memorandum, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, III, folio 448. See February 8, Committee of the Whole.

² This question, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, III, folio 461. It is undated.

³ This question, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 36, III, folio 465.

States Represented.	unrepresented.
N. H.	R. I. 1.
Mass.	Mary ^d . 1.
Con.	
N. Y.	
N. J.	
P.	
Virg.	
N. C.	
S. C. ¹	

Mr. [James] Wilson's, [Mr. William] Floyd.

Shall each State be called on to return to the United States in Congress assembled the number of acres within it, granted to or surveyed for any person, and also the number of ~~dwelling-houses~~ buildings within it.

Feby 7. 1783.

In Comm^{ee} of the whole Resolved in the affirmative. 8 ayes; 1 no, North Carolina; and also of the male Inhabitants ~~between 16 and 60~~ distinguishing in such return between whites and blacks.

Quest: On this addition Resolved in the affirmative. North Carolina no. Connecticut divided.²

Shall the rule to be established have a retrospective operation so far as may be necessary to liquidate and close the accts. between the U. S. and the Individual States?

Con. negative.³

SATURDAY, FEBRUARY 8, 1783

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr.

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, III, folio 469. The vote is entered on the motion by Charles Thomson. A copy is in Thomson's Memorandum of the proceedings of the Committee of the whole, No. 36, III, folio 448.

² The first motion is in the writing of James Wilson, the second in that of Daniel Carroll; the votes are entered on the motions by Charles Thomson. They are in the *Papers of the Continental Congress*, No. 36, III, folio 467. A copy of the motion is in Thomson's Memorandum of the proceedings of the Committee of the whole, No. 36, III, folio 448.

³ This undated motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, III, folio 475. The entry of Connecticut's negative is made on the motion by Charles Thomson. A copy of the motion is in Thomson's Memorandum of the proceedings of the committee of the whole, No. 36, III, folio 448.

[Daniel] Carroll reported, that the committee have farther considered the subject referred to them, and made some progress, but not having come to a conclusion, desire leave to sit again:

Ordered, That leave be granted.

[In Committee of the Whole]

February 8, 1783.

The last question reconsidered and in lieu thereof was added after the word "years" in the answer to the previous question:

"And shall operate as a rule for apportioning the sums necessary to be raised ~~within those years for contingent expences and supporting~~ the public credit and other contingent expences and for adjusting all accounts between the U. S. and each particular state for monies paid or articles furnished by them ~~agreeably to requisitions of Congress~~ and for no other purposes whatsoever."¹

[*New Hampshire*]

Mr. Gilman, ay }
White, ay } ay

[*Massachusetts*]

Mr. Gorham, ay }
Holten, ay } ay

[*Rhode Island*]

Mr. Collins, ay }
Arnold, no } div.

[*Connecticut*]

Mr. Wolcott, ay }
Dyer, ay } ay

[*New York*]

Mr. Floyd, ay }
Hamilton, ay } ay

[*New Jersey*]

Mr. Boudinot, ay }
Condict, ay } ay
Elmer, ay }

[*Pennsylvania*]

Mr. Mifflin, ay }
Fitzsimmons, ay }
Wilson, ay } ay
Montgomery, ay }
Peters, ay }

¹ See the last question in Thomson's memorandum of the Committee of the whole, February 7.

This motion in the writing of John Taylor Gilman, is in the *Papers of the Continental Congress*, No. 36, III, folio 463. The vote is given by Thomson on the motion as follows: New Hampshire, Massachusetts, Connecticut, New-Jersey, Virginia and South Carolina, ay. New York, Pennsylvania, North Carolina, no.

[Maryland]			[North Carolina]	
Mr. Carroll,	ay	} *	Mr. Hawkins,	no
[Virginia]			Williamson,	ay
Mr. Jones,	ay	} div.	[South Carolina]	
Madison,	ay		Mr. Rutledge,	ay
Lee,	no		Ramsay,	ay
Mercer,	no		Izard,	ay
			Gervais,	no

MONDAY, FEBRUARY 10, 1783

The committee, consisting of Mr. [Thomas] Fitzsimmons, Mr. [Oliver] Ellsworth, Mr. [John Lewis] Gervais, Mr. [Nathaniel] Gorham and Mr. [Alexander] Hamilton, to whom were referred resolutions of the general assembly of the Commonwealth of Virginia, dated 28 December, 1782, respecting the shipment of a quantity of tobacco, under passports granted by the secretary of Congress; report,

"That having made the necessary enquiries, they find that Congress, by their act of the 11 February, 1782, empowered their secretary to grant letters of passport and safe conduct for the exportation of tobacco to New York, on the conditions and under the limitations which, to the said secretary and to the Superintendant of the finances of the United States, should appear most proper and beneficial to the said states, being consistent with the capitulation of York; and provided that permissions were not given for the exportation of tobacco beyond the produce of the sales of the goods under the said capitulation: that in pursuance of this act, the Superintendant of finance entered into an agreement with a certain George Eddy, agent for the merchants, capitu-

¹ This vote, in the writing of Charles Thomson, in the *Papers of the Continental Congress*, No. 36, III, folio 450, indorsed on his memorandum of the proceedings of the Committee of the Whole for February 7 and 8.

On this day, as the indorsement shows, was read a letter of Ebenezer Hazard dated Philadelphia, February 7, 1783, relative to a letter taken up at the post office by a person to whom it did not belong, and referred to Mr. [John] Rutledge, Mr. [James] Wilson and Mr. [Eliphalet] Dyer. It is in No. 61, folio 141. See *post* February 14. Committee Book No. 186 records the committee appointment, hut not the report.

lants aforesaid, in the first instance, for the exportation of six hundred and eighty-five hogsheads of tobacco, for the produce of sales of goods, amounting to twenty-four thousand dollars, under conditions highly advantageous to the United States: that a second agreement was made between the said Superintendant of finance and the aforesaid George Eddy, for tobacco, to the amount of twenty thousand dollars, under terms substantially the same as the former, except that the Superintendant declined taking any direction of purchase of the latter, for reasons assigned to this committee: that in consequence of these agreements, the Secretary of Congress forwarded to Mr. Daniel Clark, the agent appointed by the Superintendant, passports for the cargoes of two ships, called the *Fame* and *New York*, with directions to fill up the exact quantity of tobacco shipped in each, and to procure documents to shew that the quantity shipped did not amount to more than the sums stated to have arisen from sales of goods under the aforesaid capitulation, which amounted to forty-four thousand and thirty-seven dollars and one-third of a dollar: that it appears by the resolutions of the general assembly of Virginia, that the whole quantity of tobacco shipped under those passports, amounted to nine hundred and five hogsheads of tobacco, weighing 989,588 pounds, and that taking the aforesaid sum of 44,037 1-3 dollars, it appears there is not so much tobacco shipped as the sales would warrant, the average value for each hogshead amounting to 48 46-90 dollars.

“Upon the whole of this business, therefore, the committee are of opinion, that the conduct of the Superintendant of finance, and of the Secretary of Congress,

~~is fully warranted by the resolution of this house under which they acted.~~

~~Upon the second resolution which requests an instruction to the Commissioner they beg leave to recommend the measure pointed~~

~~out by the letter of the Superintendant of Finance as the most eligible on this occasion.~~

was in all respects conformable to the resolution of this house, under which they acted."

Resolved, That Congress agree to the said report.

On a report of the same committee to whom was referred a resolution of the general assembly aforesaid, respecting instructions to the commissioner appointed to settle the accounts of that State with the United States:

Upon the second resolution which respects the instruction to be given to the Commissioner they are of opinion that all proper allowance ought to be made under such circumstances as the legislature of Virginia represent, but are doubtful of the propriety of submitting generally matters of such extensive consequences to a Commissioner. Upon this subject they offer the following resolution: ¹

Resolved, That the Superintendant of finance be directed to instruct the commissioner appointed to settle the accounts of the State of Virginia, with the United States, to receive such proofs as shall be exhibited to him instead of the vouchers which have been lost or destroyed, in consequence of the invasion of the said State; and that he shall transmit to the Superintendant a special report upon all such charges, which report shall be submitted to Congress to be finally decided on.¹

Congress was then resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have further considered the subject referred to them, and have come to sundry resolutions, which he was ordered to report, but that not having come to a conclusion, they desire leave to sit again:

Ordered, That leave be granted.

¹ This report and the next preceding report of the same committee, in the writing of Thomas FitzSimons, are in the *Papers of the Continental Congress*, No. 20, II, folio 289. According to the indorsement, they were read February 6, and entered.

TUESDAY, FEBRUARY 11, 1783

Congress took into consideration the report from the committee of the whole, and sundry amendments and additions being made thereto,

The Committee of the whole have taken into consideration the subject referred to them and are of opinion

1. That the valuation of the lands and of the buildings and improvements thereon within the United States as directed by the eighth Article of the Confederation ought to be immediately attempted.

2. That each State should be called on to return to the United States in Congress assembled, on or before the first day of Jany. next the number of acres within it granted to or surveyed for any person, and also the number of buildings within it, distinguishing the dwelling houses from others and the number of its inhabitants distinguishing whites and blacks.

~~3. That it is not necessary to call upon the States to make and return to Congress an estimate of the value of the lands with the buildings and improvements as aforesaid.~~

³³ Vide Mr. Rutledge's motion to be taken in here.

~~That it will be proper for Congress now to fix on a mode by which they will adjust the quotas of the several States, on receiving the returns aforesaid.~~

4. That the mode now fixed on by Congress and the valuation which shall be eventually made, shall continue in force for a term not exceeding five years; and that during its continuance in force, it shall operate as a rule for apportioning the sums necessary to be raised for *supporting the public credit and other* contingent expences, and for adjusting all accounts between the United States and each particular State for monies paid or articles furnished by the several States and for no other purposes whatsoever.¹

Ordered, That it be referred to a committee of three: the members, Mr. [John] Rutledge, Mr. [Nathaniel] Gorham, and Mr. [John Taylor] Gilman.

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, III, folios 451-453. It was referred, as the indorsement shows, to Mr. [John] Rutledge, Mr. [Nathaniel] Gorham, and Mr. [John Taylor] Gilman. According to Committee Book No. 191, a report was delivered February 14 and considered February 17.

[Mr. Rutledge's motion, No. 3.]

That each State be required to return to Congress before the second day of Jany next the name of such officer as the State shall think proper to act as a Com^r for estimating the value of the Lands in the U. S. granted to or surveyed for any person and of the buildings and improvements thereon, and that Cong. will on that day nominate by ballot a Comm^r for every State which shall fail to nominate one and that the persons so to be nominated shall be app^d by Congress Comm^{rs} for making the said valuation, which Com^{rs} or any nine of them concurring shall be authorised and impowered to ~~fix~~ make the same [subject to the revision and approbation of Congress].¹

[Mr. James Wilson's motion February 11, 1783, to postpone Mr. John Rutledge's motion and take up this.]

That the returns so made shall be referred to a Grand Committee consiting of a Member from each State, who shall from the documents laid before them settle the relative value and adjust the quotas of each State and make report to the United States in Congress Assembled who shall finally determine thereon.

N. H.	div.
Mass.	no.
R. I ^d .	div.
Con.	ay.
N. Y.	ay.
N. J.	ay.
Penn ^a .	ay.
Virg ^a .	ay.
N. Car.	no.
S. Car.	ay. ²

[Mr. Nathaniel Gorham's motion, February 11, 1783, to postpone Mr. John Rutledge's motion and take up this.]

And it is further Resolved, That it be recommended to the Legislative authority of each State to appoint one person well acquainted with the value of lands and buildings in said State to repair to Phila-

¹ This motion, in the writing of John Rutledge except the words in brackets which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, III, folio 457. There are two copies of the motion in Thomson's hand, one on folio 452, the other on folio 453; and on Rutledge's draft is the following note, by Thomson: The last words "subject to the revision" are added to Mr. Rutledge's motion and afterwards "fix" changed into "make."

² This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, II, folio 19.

delphia by the day of in order to afford to Congress such information as may enable them to adjust the proportion of the several States upon the principles of Justice and equity.

New Hampshire	no
Massachusetts	ay
Rhode Island	div
Connecticut	ay
New York	ay
New Jersey	ay
Pennsylvania	ay
Virginia	no
North Carolina	no
South Carolina	ay ¹

Mr. [Richard] Peters,

Mr. [John] Rutledge.

Will the Committee now recommend to Congress the mode on which they will determine for adjusting the quotas of the several States on receipt of the returns to be made as aforesaid.

Resolved in the affirmative.

New Hampshire, Massachusetts, Virginia, North Carolina, South Carolina, ay:

Connecticut, New York, New Jersey, Pennsylvania, no.²

WEDNESDAY, FEBRUARY 12, 1783

Congress took into consideration a proposition reported by the committee of the whole, in the words following: "That it is the opinion of Congress that the establishment of permanent and adequate funds on taxes or duties, which shall operate generally and on the whole in just proportion throughout the United States, ~~and to be collected under the authority of the U. S. in Congress assembled~~ are in-

¹ This motion, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 36, III, folio 459. The vote is indorsed on the motion.

² This motion, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 36, III, folio 466. The vote is entered on the motion by Charles Thomson.

On this day, as the indorsement states, was read a letter of January 30 from General Washington. It is in No. 152, XI, folio 67, and is printed in the *Writings of Washington* (Ford) X, 146. It was referred to Mr. [Alexander] Hamilton, Mr. [Richard] Peters, Mr. [Theodorick] Bland, Mr. [John] Rutledge and Mr. [Thomas] Mifflin, "the returns as well as the contents of the letter to be kept secret."

dispensably necessary towards doing complete justice to the public creditors, for restoring public credit, and for providing for the future exigencies of the war.”¹

On the question to agree to this proposition, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} ay	Mr. Mifflin,	ay	} ay
White,	ay		Fitzsimmons,	ay	
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Holten,	ay	} ay	Montgomery,	ay	
Gorham,	ay		Peters,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Collins,	ay	} div.	Mr. Carroll,	ay	} *
Arnold,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	ay	} div.
Mr. Wolcott,	ay	} ay	Madison,	ay	
Dyer,	ay		Lee,	no	
<i>New York,</i>			Mercer,	no	
Mr. Floyd,	ay	} ay	<i>North Carolina,</i>		
Hamilton,	ay		Mr. Hawkins,	no	} div.
<i>New Jersey,</i>			Williamson,	ay	
Mr. Boudinot,	ay	} ay	<i>South Carolina,</i>		
Elmer,	ay		Mr. Rutledge,	ay	} ay
Condict,	ay		Ramsay,	ay	
			Izard,	ay	
		Gervais,	no		

So it was resolved in the affirmative.

Congress was then resolved into a Committee of the Whole, to consider farther the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, and after some time the President resumed the chair, and Mr.

¹ The original resolution, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 99. The following, in the writing of Alexander Hamilton, undated, is in No. 31, folio 337:

“That it is the opinion of Congress that complete justice cannot be done to the creditors of the United States, nor the restoration of public credit be effected, nor the future exigencies of the war provided for, but by the establishment of permanent and adequate funds to operate generally throughout the United States, to be collected by Congress.”

[Daniel] Carroll reported, that the committee have considered the subjects referred to them, but not having come to a conclusion, desire leave to sit again to-morrow:

Ordered, That leave be granted.

[Report of the Committee of the Whole House]

~~That the subject of the 5 per Cent. duty be now taken into consideration—agreed.~~

~~Is it expedient that a duty on goods imported should make a part of the general funds to be established?~~ } ay

~~Shall this be a duty of 5 per cent ad valorem?~~ } ay

Resolved, That, Is it expedient to alter the recommendation of the day of relative to an impost of 5 per cent. ? } ay

That the duty of 5 per Cent. be limited in its duration to 25 years. } ~~negatived~~ ay passed

That the Collectors of the duty be appointed by the states respectively to be under the controul of and amenable to Congress—and X vid. amendmt. } ay passed

~~That the appropriation of the money is sufficiently provided for by the acts of Congress of the 6th December.¹~~ }

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 36, II, folio 79. It is undated.

On February 13, as the indorsement indicates, was read a letter of the same date, from the Assistant Secretary at War, inclosing papers relating to the inspection of cloathing and necessaries for the British prisoners of war, and to the seizure, by citizens of Pennsylvania, of certain supplies imported in the ship *Amazon* and intended for the prisoners. The letter is in No. 149, II, folio 229, and was referred to Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [Arthur] Lee. See *post* February 20.

The inclosures, including the report of the Commissioners appointed under resolution of Congress January 24, are on folios 233, 243–289.

The following undated resolution, in the writing of Nathaniel Gorham, is on folio 241:

Resolved, That the laws of any individual State contravening the Confederal compact are null and void; that the seizure of goods, by citizens of Pennsylvania, protected by the Passport of the Commander in Chief, was a violation of the Articles of Union.

Resolved, therefore, That the State of Pennsylvania be requested to employ ~~the troops~~ ~~military forces of the State~~ effectual measures in restoring the goods now in possession of ~~but condemned under the laws of the State~~ and protected by a passport from the Commander in Chief to the British prisoners; and that the Secretary of War be directed to consult with the State, and make use of any Continental force which may be required and deemed necessary by the State for this purpose."

FRIDAY, FEBRUARY 14, 1783

The committee to whom was referred the report of the committee of the whole, with the amendments and additions, brought in a report, ~~and the same being~~ which was taken into consideration,

~~And on the question to agree to the first resolution, viz.~~

~~That the legislature of each State be and they are hereby required to take such measures as shall be most effectual for obtaining a just and accurate account of the quantity of Land in such State granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black;~~

~~The yeas and nays being required by Mr. Bland,~~

Mr. Gilman,	ay	}	ay	Mr. Carroll,	no	}	*
White,	ay			Mr. Jones,	ay		
Mr. Gorham,	ay	}	ay	Madison,	ay	}	ay
Holten,	ay			Bland,	ay		
Mr. Collins,	ay	}	ay	Lee,	no		
Arnold,	ay			Mereer,	ay	}	ay
Mr. Wolcott,	no	}	div.	Mr. Hawkins,	ay		
Dyer,	ay			Williamson,	ay	}	ay ¹
Mr. Floyd,	ay	}	div.	Mr. Rutledge,	ay		
Hamilton,	no			Ramsay,	ay		
Mr. Boudinot,	ay	}	ay	Izard,	ay		
Elmer,	ay			Gervais,	ay		
Condict,	ay	}	ay				
Mr. Mifflin,	ay						
Fitzsimmons,	no						
Montgomery,	ay						
Peters,	ay						

~~So it was resolved in the affirmative.~~

And the ~~second proposition~~ following paragraph being under debate, viz. "That the legislature of each State be,

¹ A copy of this vote in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 24, folio 89.

and they are hereby also required to cause the said account to be transmitted and delivered to Congress, on or before the first day of January next, together with the name of such person as the said legislature shall choose to be a commissioner for estimating the value of all the lands in each of the United States, granted to or surveyed for every person, and of the buildings and improvements thereon."

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [John Lewis] Gervais, to postpone the proposition under debate, in order to take up the following proposition, to wit:

"That the several States in the Union be desired to make returns to Congress, on or before the first day of January 1784, of the value of all lands within their respective jurisdictions, and of the buildings and improvements on such lands, agreeable to the 8th Article of the Confederation, the valuation to be made by commissioners appointed by the several States, and acting on oath; and if either Congress or any State in which the valuation was made, shall be dissatisfied with it, the return shall undergo a revision by a court of commissioners, chosen and constituted as nearly as the case will admit, according to the 9th Article of the Confederation, and the sentence of such commissioners shall be final."¹

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 24, folio 87. Another version, in his writing, is in No. 36, II, folio 77, as follows:

"That each state be directed to return to Congress within ——— months a valuation by Commissioners on oath of all the patented lands within its jurisdiction, and of the buildings and improvements thereon, agreeable to the 8th Article of the Confederation.

That where the valuation so made, shall be objected to, either on the part of the State or of Congress, in such case the State complaining on one part, and Congress on the other shall nominate each ——— persons, from which each party shall strike out alternately till the whole number shall be reduced to ——— who shall be Commissioners to revise upon oath the valuation complained of either by hearing the former Commissioners and the party complaining, or by re-valuing the lands and improvements as to the said Commissioners shall appear most proper, and the determination of such Commissioners shall be final."

A division of the question was called, so that the first question may be for postponing generally: on this a question of order was moved in the words following:

When a motion is made by a member to postpone a proposition before the house, in order to take up another which he reads in its place, is it in order to call for a division of such motion?"¹

On this question, the yeas and nays being required by Mr. [John Taylor] Gilman,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} div.	Mr. Mifflin,	no	} no
White,	no		Fitzsimmons,	no	
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Holten,	no	} no	<i>Maryland,</i>		
Gorham,	no		Mr. Carroll,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins,	no	} no	Mr. Jones,	no	} no
Arnold,	no		Madison,	ay	
<i>Connecticut,</i>			Bland,	no	
Mr. Wolcott,	ay	} div.	Lee,	no	
Dyer,	no		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} div.	Mr. Hawkins,	ay	} div.
Hamilton,	ay		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Rutledge,	no	} no
Ehner,	ay		Ramsay,	no	
Condict,	no		Izard,	no	
			Gervais,	no	

So it passed in the negative.²

On the question to agree to Mr. [Arthur] Lee's motion, the yeas and nays being required by Mr. [Arthur] Lee,

¹ This motion and the vote, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 24, folio 85, under the caption "Question of order by Mr. B[land]", the following is entered after the vote: "Is the report under debate to be considered as relating only to one subject on the whole of which a question is to be taken. Resolved in the affirmative."

² In the copy of the vote given in the *Papers of the Continental Congress*, No. 24, folio 85, James Wilson is recorded as voting, no.

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Gilman,	no	Mr. Mifflin,	no
White,	ay	Fitzsimmons,	ay
		Wilson,	no
<i>Massachusetts,</i>		Montgomery,	no
Mr. Holten,	no		
Gorham,	no	<i>Maryland,</i>	
		Mr. Carroll,	no
<i>Rhode Island,</i>			
Mr. Collins,	ay	<i>Virginia,</i>	
Arnold,	ay	Mr. Jones,	no
		Madison,	no
<i>Connecticut,</i>		Bland,	no
Mr. Wolcott,	no	Lee,	ay
Dyer,	no	Mercer,	no
		<i>North Carolina,</i>	
<i>New York,</i>		Mr. Hawkins,	ay
Mr. Floyd,	no	Williamson,	ay
Hamilton,	no		
		<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Rutledge,	no
Mr. Boudinot,	ay	Ramsay,	no
Elmer,	no	Izard,	no
Condict,	no	Gervais,	ay

So it passed in the negative.¹

The committee, consisting of Mr. [Joseph] Jones, Mr. [John] Rutledge and Mr. [James] Wilson, to whom was referred a letter of 7 from the honourable Thomas Jefferson, reported thereon: Whereupon, on motion of Mr. [Nathaniel] Gorham, seconded by Mr. [Oliver] Wolcott,

Ordered, That the Secretary for Foreign Affairs inform Mr. Jefferson, that it is the pleasure of Congress, considering the advices lately received in America, and the probable situation of affairs in Europe, that he do not proceed on his intended voyage until he shall receive their farther instructions.²

¹ A copy of this vote, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 24, folio 88.

² This order was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. The report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, III, folio 281.

[Report of Mr. John Rutledge, Mr. James Wilson, Mr. Eliphalet Dyer, on E. Hazard's letter of 7th February, 1783:]

That it is unnecessary for Congress to give any orders, respecting the subject matter of the said letter, as any person who conceives himself injured by the transaction therein stated may have his Remedy at Law.¹

MONDAY, FEBRUARY 17, 1783

Congress resumed the consideration of the report of the committee on the report of the committee of the whole, and the proceedings of the house consequent thereto; and the same being debated by paragraphs to read as follows:

Whereas by the Articles of Confederation and perpetual union, it is agreed and declared that all charges of war and all other expences for the common defence or general welfare, allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint:

Resolved, That the legislature of each State be, and they are hereby required to take such measures as shall be most effectual for obtaining a just and accurate account of the quantity of land in such State, granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from ~~outhouses and~~ other buildings, and the number of its inhabitants, distinguishing white from black: that the legislature of each State be, and they are hereby

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 19, III, folio 81. The indorsement shows that it was delivered this day, read, and ordered "to be filed".

On this, or an approximate date, a letter of February 13 from Lewis Garanger, Captain of bombardiers, relative to the slanders of Maurice Desdevens, was read, and according to the indorsement, referred to the ensuing committee of the week. The committee of the week, appointed February 17, was Mr. [Eliphalet] Dyer, Mr. [John Lewis] Gervais and Mr. [John] Montgomery. The letter is in No. 78, X, folio 399.

also required to cause the said account to be transmitted and delivered to Congress on or before the 1st day of January next, together with the name of such person as the said legislature shall choose to be a commissioner for estimating the value of all the lands in each of the United States, granted to or surveyed for any person, and of the buildings and improvements thereon, that Congress will, on the 2d day of January next, nominate, by ballot, a commissioner for every State which shall fail to nominate one, or whose commissioners shall not attend Congress on the said 1st day of January: that a commission shall thereupon be issued by Congress to the persons so nominated, authorising and empowering them, or any nine of them, concurring in opinion, to make a just and true estimate of the value of all the lands in each of the United States, granted to or surveyed for any person, and of the buildings and improvements thereon; and to return such estimate to Congress, to be subject to their examination and approbation: that the said estimate, when approved by Congress, shall be a rule for adjusting all accounts between the United States and the individual states: that is, that each State shall be debited for its just quota or proportion, on the principle aforesaid, of the money theretofore advanced or paid, and of the amount in value of the supplies furnished by all the states for the service of the United States, and credited for the money advanced, and the amount in value of the supplies furnished by such State for the service of the United States: that the said estimate shall operate for a term not exceeding five years, as a rule for apportioning on the several states the sums which Congress shall, from time to time, deem necessary and require to be raised for supporting the public credit and contingent expences:

~~in order to be applied towards the payment of the interest of the debt incurred for the charges of war and expences for the common defence and general welfare and allowed by the United States in Congress assembled and towards defraying all such future charges~~

~~and expences as shall be incurred for the purpose aforesaid and so allowed,~~

And that the money which shall be paid, from time to time, by any State, into the continental treasury, on account of such quota or apportionment, be duly passed to the credit of such State, on the said account.¹

On the question to agree to this, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} ay	Mr. Fitzsimmons,	ay	} ay
White,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Peters,	ay	
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Gorham,	ay		Mr. Carroll,	no } *	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins,	no	} div.	Mr. Jones,	ay	} ay
Arnold,	ay		Madison,	no	
<i>Connecticut,</i>			Bland,	ay	
Mr. Wolcott,	no	} div.	Lee,	no	
Dyer,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	ay	} ay
Hamilton,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} no	Mr. Rutledge,	ay	} ay
Elmer,	ay		Izard,	ay	
Condict,	no		Gervais,	ay	

So the question was lost.²

A motion was then made by Mr. [Eliphalet] Dyer, seconded by Mr. [John Francis] Mercer, in the words following:

“Whereas by the 8th Article of the Confederation and perpetual union, it is agreed and declared, that all charges of war and all other expences, for the common defence or

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 24, folio 61. According to the indorsement, it was the report of Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [John Taylor] Gilman, and was delivered February 14.

² A copy of this vote, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 24, folio 89.

general welfare, allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint.

“*Resolved*, That the legislature of each State be, and they are hereby required, to take such measures as shall appear to them most effectual for obtaining a just and accurate account of the quantity of land in such State, granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black. That the legislature of each State be, and they are hereby also required to cause the said account to be transmitted and delivered to Congress, on or before

The day altered
Feb'y 21 on a mo-
tion of Mr. Rut-
ledge.

the first day of ~~January-next~~ March, 1784, and that Congress will, on the second day of ~~January-next~~ March, 1784, or at their next sitting thereafter, appoint a grand committee, consisting of a member present from each State, to take into their consideration the said returns, any nine of whom concurring shall make a just and true estimate of the value of all lands in each of the United States, granted to or surveyed for any person, and of the buildings and improvements thereon, and shall report such estimate to Congress, to be subject only to their approbation or rejection. That the said estimate, when approved by Congress, shall be a rule for adjusting all accounts between the United States, and the individual States, that is, each State shall be debited for its just quota or proportion, on the principle aforesaid, of the money theretofore advanced or paid, and of the amount in value of the supplies furnished by all the states for the

service of the United States, and credited for the money advanced and the amount in value of the supplies furnished by such State, for the service of the United States.

“That the said estimate shall operate for a term not exceeding five years, as a rule for apportioning on the several states the sums which Congress shall, from time to time, deem necessary, and require to be raised for supporting the public credit and contingent expences, and that the money which shall be paid, from time to time, by any State, into the continental treasury, on account of such quota or apportionment, shall be duly passed to the credit of such State on the said account.”¹

On the question to agree to the said motion, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	} ay	Mr. Fitzsimmons,	ay	} ay
White,	ay		Montgomery,	ay	
<i>Massachusetts,</i>			Peters,	ay	
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Gorham,	ay		Mr. Carroll,	no } *	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins	ay	} ay	Mr. Jones,	ay	} ay
Arnold,	ay		Madison,	no	
<i>Connecticut,</i>			Bland,	ay	
Mr. Wolcott,	ay	} ay	Lee,	no	
Dyer,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	ay	} ay
Hamilton,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Rutledge,	ay	} ay
Elmer,	ay		Izard,	ay	
Condict,	ay		Gervais,	ay	

So it was resolved in the affirmative.²

¹ A printed copy of this resolution, together with that of April 18, is in the *Papers of the Continental Congress*, No. 56, folio 447.

² A copy of this vote, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 24, folio 89.

[Motion of Mr. Alexander Hamilton February 17, 1783, referred to Mr. Arthur Lee, Mr. Eliphalet Dyer, and Mr. Samuel Holten.]

Whereas it is in the opinion of Congress essential to those principles of justice and liberality which ought to govern the intercourse between these States, that equitable abatements shall be made in favor of such States, parts of which have been for different periods in the course of the war in possession of the enemy, on the application of the rule prescribed by the Confederation and on which the foregoing resolutions have been founded, and whereas Congress impressed with this conviction did on the 20th day of February last recommend to the respective States to authorise and empower Congress in the final settlement of the proportions to be borne by each State of the general expences of the war from the commencement thereof until the first day of January 1782, except the monies loaned to the United States for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the 3rd day of February, 1781 to assume and adopt such principles as from the particular circumstances of the several States at different periods may appear just and equitable, without being wholly confined to the rule laid in the 8th Article of the Confederation in cases where the same cannot be applied without manifest injustice, and whereas some of the States have not yet complied with the said recommendation, Therefore,

Resolved, That the several States be earnestly requested without delay to pass laws conformable to the spirit of the aforesaid recommendation extending the period to the conclusion of the present war.¹

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 149, III, folio 17. According to the indorsement it was offered this day and referred as above stated. The record in Committee Books No. 186 and No. 191 shows that a report was delivered February 26, and acted on March 3. See *post* March 4.

On this day, according to the indorsement, a letter of February 11, from General Washington, enclosing a copy of his letter to Thomas Chittenden, was read and referred to Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, Mr. [Arthur] Lee, Mr. [John Taylor] Gilman and Mr. [Oliver] Wolcott. It is in No. 40, II, folio 365. A copy of this letter, indorsed as read March 3, is in No. 169, 9, folio 110, followed by copies of Washington's correspondence with Chittenden. According to Committee Book No. 186, the committee was renewed on April 28, Mr. [Phillips] White and Mr. [John Francis] Mercer taking the places of Gilman and Wolcott, and a report on this letter and others relating to "the general affairs of Vermont" was delivered May 26.

TUESDAY, FEBRUARY 18, 1783

Congress was resolved into a committee of the whole to consider farther the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have taken into their farther consideration the subject referred to them, and have come to sundry resolutions which he was directed to report, but that not having come to a conclusion, desire leave to sit again:

Ordered, That leave be granted.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Alexander] Hamilton:

Ordered, That the Superintendant of finance lay before Congress an estimate of the principal of the public debt to the first day of January, 1783, specifying the foreign debt, the pay due to the army, the debt due on loan office certificates, the debt due on liquidated accounts, for which certificates are issued, and also the supposed amount of the unliquidated debt.¹

On motion of the delegates from Connecticut, in pursuance of an instruction from the legislature of their State:

Ordered, That the Superintendant of the Finances, the Agent of Marine, the Secretary at War, and the Secretary for Foreign Affairs, as it shall relate to their respective offices, lay before Congress an account of the names and titles of all officers and others employed in the civil list department, and in the civil and military staff; and also, of all ministers however denominated, which are employed abroad, under the

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 29. It was also entered in No. 12 (Estimates) with a copy of the estimates laid before Congress. See *post* March 10.

authority of the United States, specifying in what state or kingdom such officers reside, and also what pay or salary is annexed to each of their respective offices, and likewise an account of all grants of half-pay ~~if any have been made~~ and of any gratuity or sum of money or allowance for expences, or for any other matter, to any officers or others, for past services, which are not included in their pay establishment.

~~so that the said delegates may be furnished with copies thereof to transmit to the legislature of said State.¹~~

The committee consisting of [Mr. Richard Peters, Mr. Arthur Lee, Mr. Alexander Hamilton] on the letter of the Superintendent of Finance of the 17th instant respecting the exchange of sundry officers of the army of the United States, prisoners of war, report,

That the Secretary at War and the Commander in Chief be authorized to make such exchanges of officers, prisoners of war, as to them shall seem expedient, any former resolutions of Congress to the contrary notwithstanding.²

Whereas it is the desire of Congress that the motives of their deliberations and measures (as far as they can be disclosed consistently with the public safety) should be fully known to their constituents,

Therefore, Resolved, That when the establishment of funds for paying the principal and interest of the public debts shall be under the consideration of this House the doors thereof shall be open.³

[M^r. John Rutledge's motion in Committee of the Whole February 18, 1783. Negatived.]

That the value be fixed at the same rates in each of the U. S. according to a table to be ascertained by Congress and in case any articles shall be imported, which are not mentioned in the said list or table the value of such shall be ascertained by the Merchant's

¹ This motion, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 36, II, folio 31. It was also entered in No. 12 (Estimates) with a copy of the accounts laid before Congress. See *post* March 10 and March 24.

² This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, IV, folio 383. It was delivered and read on this day, according to the indorsement. The letter of the Superintendent of Finance is in No. 137, II, folio 119, and the list of American officers to be exchanged is on folio 123.

³ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 21, folio 337. It is indorsed: "Mr. Hamilton and Wilson's motion negatived on motion to postpone to take it up, February 18, 1783."

oath, allowing the Collector to take such goods at the Merchant's valuation with an allowance of 10 per cent.¹

THURSDAY, FEBRUARY 20, 1783

Congress took into consideration the report of the committee of the whole; and having spent some time thereon,

The house was again resolved into a committee of the whole, to consider farther the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have considered farther the subject referred to them, but not having come to a conclusion, desire leave to sit again:

Ordered, That leave be granted.

The assistant secretary at war having reported to Congress the result of his enquiry, respecting the goods imported in the ship *Amazon*, for the use of British and German prisoners of war, accompanied with a report of the commissioners appointed pursuant to the resolutions of the 24 of January last:

Resolved, That it does not appear to Congress that any abuse has been made of the passport granted by the Commander in Chief, for the protection of cloathing and other necessaries sent from New York in the ship *Amazon*, for the use of the British and German prisoners of war.

Resolved, That the goods imported in the said ship *Amazon*, and contained in the returns laid before Congress by the assistant secretary at war, are fully covered and protected by the said passport, and ought to be sent with all expedition, and

¹ This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 25.

On this day, as the indorsement indicates, was read a letter of February 18 from Job Sumner relative to his rank, and referred to the Secretary at War. It is in No. 78, XXI, folio 271.

without any let or hindrance, to the prisoners for whose use they were designed.¹

On the report of a committee consisting of Mr. [Alexander] Hamilton, Mr. [Richard] Peters, Mr. [Theodorick] Bland, Mr. [John] Rutledge and Mr. [Thomas] Mifflin, to whom was referred a letter of 30th January last from the Commander in Chief;

Resolved, That the Commander in Chief be informed that Congress, always happy to receive his sentiments either on the political or military affairs of these states, the utility of which they have upon so many occasions experienced, have paid all the attention to his letter of the 30th of January which the importance of it demands;

That, should the war continue another campaign, every motive of policy and oeconomy would operate in favour of the enterprize ~~should the means to accomplish it be within the power of Congress suggested~~; but that such are the present situation and prospects of these states that it would be inexpedient at this time to determine upon the plan, or to enter upon the expensive preparations which it would require;

That the official accounts received by Congress corresponding with other intelligence afford appearances of an approaching peace.

Ordered, That the Secretary for foreign affairs make a confidential communication to the Commander in Chief of the state of the negotiations for peace when the last advices were received.²

The committee of the week [Mr. Eliphalet Dyer, Mr. John Lewis Gervais, and Mr. John Montgomery] to whom was referred a memorial of Thomas Liston, Lieutenant of the late South Carolina Artillery Regiment praying that he might receive two hundred dollars on

¹ From this point to the end of the day, the proceedings for February 20, were entered only in the manuscript Secret (Domestic) Journal and in Secret Journal No. 8.

² This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, VI, folio 415.

account of pay due him to enable him to support his family and to pay his debts and to return to Charlestown in a flag now in the river, recommend that said memorial be referred to a special committee.¹

FRIDAY, FEBRUARY 21, 1783

On motion of Mr. [John] Rutledge, seconded by Mr. [Hugh] Williamson,

That the resolutions of be transmitted ~~by express~~ to the several States by the Delegates, with a circular letter from the President to the Executive of each State requesting that the said Resolution may be immediately laid before the Legislature of such State ~~as soon as possible~~ and that if the Legislature should not be sitting when the said Resolution shall be received by the ~~said~~ Executive that they may be called to sit as soon as possible in order that they may take the measures necessary for complying with the resolutions of Congress within the time limited for that purpose. That it be recommended to the States of Delaware, Maryland and Georgia to send Delegates immediately to Congress, and to each State in the Union to keep up a constant representation ~~of not less than three members as matters of great importance to the honor and interest of the United States are now and for some time will be under the consideration of Congress.~~²

Resolved, That it be recommended to the States of Delaware, Maryland and Georgia, to send Delegates immediately to Congress, and to each State in the Union, to keep up a constant representation.

On a report from the war office, on a motion of Mr. [John Taylor] Gilman referred, Congress came to the following resolution:

WAR OFFICE, *February 21st, 1783.*

SIR;

I do myself the honor to inform you your Excellency that I have conferred with the Superintendant of Finance on the subject of the

¹ This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 32, folio 447. According to the indorsement it was passed on this day, and the record in Committee Book No. 186 shows that Dyer, Gervais, and Montgomery were appointed and delivered a report February 26.

² This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 21, folio 325. It is undated.

enclosed motion by Mr. Gilman respecting the additional pay allowed to officers taken from the line to act in the Staff departments, and he is of opinion that the measure will facilitate the settlement of accounts.

Should Congress agree in its propriety they will be pleased to pass the motion into a resolve as proposed by Mr. Gilman.¹

Whereas sundry officers in the Army of the United States, have been taken from the line to act in the departments of the general Staff, and are entitled to additional pay in consequence thereof:

Resolved, That it be, and hereby is recommended to the several states, to whom such officers respectively belong, to adjust and discharge, on account of the United States, the deficiencies on the additional pay, to which they are entitled by the resolutions of Congress, in the same manner, and to the same time, they settle their accounts as officers in the line.²

Congress was resolved into a committee of the whole, to consider further the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have taken into consideration the subject referred to them, and are of opinion, that the committee of the whole be discharged and the business referred to a special committee.

Resolved, That Congress agree to the said report.

Ordered, That the committee consist of five.³

On motion of Mr. [David] Ramsay, seconded by Mr. [Ralph] Izard:

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 291.

² This motion, in the writing of John Taylor Gilman, is in the *Papers of the Continental Congress*, No. 36, II, folio 27. The indorsement shows that it was referred to the Secretary at War on February 13.

³ The record in Committee Book No. 186 shows that Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Thomas] Fitzsimmons, and Mr. [John] Rutledge were appointed, and that they brought in a report March 6. See *post* March 6, March 18, and April 18.

Whereas the passport granted by the Commander in Chief to the ship *Amazon*, extended only to Wilmington, in the State of Delaware, and the said ship being appointed to carry home sundry citizens of South Carolina now in Philadelphia, who were exiled from Charlestown:

Resolved, That the ~~Secretary at War or his assistant~~ agent of marine be, and he is hereby authorised and directed, to give a passport and safe conduct to the said ship *Amazon*, to proceed from Wilmington to Philadelphia, there to take on board the said exiled citizens, with their servants and effects, and to proceed with them to Charlestown, or any other port in the State of South Carolina.¹

TUESDAY, FEBRUARY 25, 1783

Mr. William Hemsley, a delegate for the State of Maryland, attended, and produced his credentials, by which it appears, that he is chosen a delegate to Congress for that State for the present year.

SIR

By Direction of the general Assembly, we have the Pleasure to inform you that you are chosen a Delegate to Congress for the ensuing Year. We have the Honor to be

S^r Y^r most ob^t h^{ble} Serv^{ts}

GEO. PLATER *Presid^t of the Senate*
THO^s COCKEY DEYE *Speaker H. D.*

ANNAPOLIS, Dec^r 6th 1782

Hon: M^r HEMSLEY ²

The committee consisting of Mr. [Samuel] Osgood, Mr. [Thomas] Fitzsimmons, Mr. [John Lewis] Gervais, Mr. [Alexander] Hamilton and Mr. [James] Wilson, to whom

¹ This motion, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 36, II, folio 33.

On this day, as the indorsement states, was read a letter of the same date, from Captain William Armstrong, respecting the seizure of clothing imported for British prisoners in Pennsylvania. It is in No. 78, I, folio 429.

² The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

were referred two paragraphs of the report of the grand committee, on a memorial from the officers of the army, having reported,

“That such officers as are now in service, and continue therein to the end of the war, shall be entitled to receive the sum of years full pay, in money or securities on interest at six per cent. per annum, instead of the half-pay promised for life, by the resolution of the 21 October, 1780, provided that it be at the option of the lines of the respective states, ~~to be determined by a majority of the officers of the army,~~ and not of officers individually in those lines, to accept or refuse the same: that all officers who have retired from service upon a promise of half-pay for life, shall be entitled to the benefits of the above resolution; provided also, that those of the line of each State, collectively, agree thereto: that the same commutation shall extend to the corps not belonging to the lines of particular states, the acceptance or refusal to be determined by corps: that all officers entitled to half-pay for life, not included in the above resolutions, may collectively agree to accept or refuse the commutation: that with respect to the general officers, it shall be at their option, individually, to accept the commutation, or retain their right to the half-pay: that the half-pay for life extend to the widows of such officers as shall die in the service, during their continuance as widows, ~~and in case of an intermarriage, to the orphans of such officers.~~”¹

When this report was under debate, a motion was made by Mr. [John Taylor] Gilman, seconded by Mr. Woleott [Silas] Condict, that the consideration of the report be postponed, in order to take into consideration the following motion:

“Whereas in consequence of the faithful services of the officers in the army of the United States, and of their great

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 21, folio 333.

sufferings, not only on account of the deficiency of their pay, but on other accounts, Congress have, by divers resolutions, promised them half-pay for life; and it being represented that it would be more agreeable to some of the states and the officers thereto belonging, that a commutation of the said half-pay should now be made,

Resolved, That it be, and hereby is recommended to the several states to settle with the officers who now belong or heretofore have belonged to their respective lines, and are entitled to half-pay by the resolutions of Congress, either by giving them security for the payment of the same as it may become due, or by commutation for such sum, in gross, as may be mutually agreed on by each State, and the officers to them respectively belonging:

That each and every State, which shall make compensation to their officers, agreeably to the foregoing resolution, shall be exonerated and fully and finally discharged from their respective proportions of all taxes and all other payments of monies whatsoever, on account of half-pay to the officers belonging to the United States or any of them; provided always, that nothing in this resolution shall extend to discharge any State from paying their just proportion of the half-pay which may be due to such officers as have not heretofore or do not now belong to the line of any particular State, or to the officers belonging to any particular State, which may by the events of the war be rendered unable to make such compensation:

That the Secretary at War be directed to report to Congress the names and rank of all such officers as are entitled to half-pay, and not included in the first of the foregoing resolutions.”¹

¹ This motion, undated, in the writing of John Taylor Gilman, is in the *Papers of the Continental Congress*, No. 36, IV, folio 409.

On the question for postponing the report, in order to take up the above recited motion, the yeas and nays being required by Mr. [Silas] Condict,

<i>New Hampshire,</i>			<i>Maryland,</i>			
Mr. Gilman,	ay	} ay	Mr. Carroll,	no	} no	
White,	ay		Hemsley,	no		
<i>Massachusetts,</i>			<i>Virginia,</i>			
Mr. Holten,	ay	} *	Mr. Jones,	no	} no	
<i>Rhode Island,</i>			Madison,	no		
Mr. Collins,	ay	} *	Bland,	no		
<i>Connecticut,</i>			Lee,	no		
Mr. Wolcott,	ay	} ay	Mercer,	ay		
Dyer,	ay		<i>North Carolina,</i>			
<i>New York,</i>			Mr. Hawkins,	no	} no	
Mr. Floyd,	no	} no	Williamson,	no		
Hamilton,	no		<i>South Carolina,</i>			
<i>New Jersey,</i>			Mr. Rutledge,	no	} no	
Mr. Boudinot,	no	} div.	Ramsay,	no		
Condict,	ay		Izard,	no		
<i>Pennsylvania,</i>			Gervais,	no		
Mr. Fitzsimmons,	no	} no				
Montgomery,	no					

So it passed in the negative.

Ordered, That the farther consideration of the report be postponed till to-morrow.

On motion of Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

Ordered, That the Secretary at War lay before Congress monthly returns of the officers and men who were actually in service and pay of the United States during the year 1782.¹

[Motion of Mr. Richard Peters and Mr. Alexander Hamilton.]

Resolved, That Lieut. Col., Morris, Aid de Camp to Major General Greene be allowed the Pay and Emoluments of a Lieut. Colonel

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, 11, folio 39.

~~while in actual service and that his accounts be adjusted accordingly and the certificate of General Greene be the evidence to ascertain the Period of his Service.~~

Feby. 25, 1783, negatived.¹

WEDNESDAY, FEBRUARY 26, 1783

On motion of Mr. [James] Madison, seconded by Mr. [John Francis] Mercer:

Resolved, That it be recommended to the executives of the several states, whenever any outrages unauthorised by the laws of war, shall be committed on the persons or properties of their respective citizens, by any persons in the service of the enemy, to transmit immediate information thereof to the Commander in Chief or the commanding officer of a separate army, in order that the measures may be pursued which are pointed out in the resolution of the 8th day of November, 1782.²

Congress resumed the consideration of the report of the committee, which was under debate yesterday, when a motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [Richard] Peters, that the blank in the report be filled with the words "five and a half:"

And on the question to agree to this motion, the yeas and nays being required by Mr. [Alexander] Hamilton,

¹ This motion, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 149, II, folio 224a.

On this day, according to the indorsement, was read the resolves of February 21, of the General Assembly of Pennsylvania respecting the seizure of clothing imported for British Prisoners. They are in No. 69, II, folio 421.

Also, on this day, a letter from Oliver Pollock, relative to his accounts and dated Philadelphia, February 24, was read and referred to Mr. [William] Hemsley, Mr. [John Lewis] Gervais, and Mr. [Thomas] FitzSimons. It is in No. 50, folio 389.

² This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 35.

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Gilman,	no	} no	Mr. Carroll,	ay	} ay
White,	no		Hemsley,	ay	
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Holten,	ay	} div.	Mr. Jones,	ay	} ay
Gorham,	no		Madison,	ay	
<i>Rhode Island,</i>			Bland,	ay	
Mr. Collins,	no	} *	Lee,	ay	
<i>Connecticut,</i>			Mercer,	no	
Mr. Wolcott,	no	} no	<i>North Carolina,</i>		
Dyer,	no		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
Hamilton,	ay		Mr. Rutledge,	ay	} ay
<i>New Jersey,</i>			Ramsay,	ay	
Mr. Boudinot,	ay	} div.	Izard,	ay	
Condict,	no		Gervais,	ay	
<i>Pennsylvania,</i>					
Mr. Mifflin,	ay	} ay			
Fitzsimmons,	ay				
Montgomery,	ay				
Peters,	ay				

So the question was lost.

A motion was then made by Mr. [Nathaniel] Gorham, seconded by Mr. [Theodorick] Bland, that the blank be filled with the word "five:"

And on the question to agree to this motion, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Gilman,	no	} no	Mr. Floyd,	ay	} ay
White,	no		Hamilton,	ay	
<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Holten,	ay	} ay	Mr. Boudinot,	ay	} div.
Gorham,	ay		Condict,	no	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Collins,	no	} *	Mr. Mifflin,	ay	} ay
<i>Connecticut,</i>			Fitzsimmons,	ay	
Mr. Wolcott,	no	Montgomery,	ay		
Dyer,	no	} no	Peters,	ay	

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Carroll,	ay	} ay	Mr. Hawkins,	ay	} ay
Hemsley,	ay		Williamson,	ay	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Rutledge,	ay	} ay
Madison,	ay		Ramsay,	ay	
Bland,	ay		Izard,	ay	
Lee,	ay		Gervais,	ay	
Mercer,	no				

So it was resolved in the affirmative.

Ordered, That the farther consideration of the report be postponed.

A letter, of this day, from the Superintendant of finance, was read, stating that a number of those who contracted engagements with him, place a personal reliance on him for the fulfilment of them: that as the time approaches fast when he will quit the office, namely, the last of May, as mentioned in his letter of the 24 January, he thinks it necessary to convey this information to those who have confided in him, and therefore praying that the injunction of secrecy on his letter of the 24 January, may be taken off:

Ordered, That the injunction of secrecy, aforesaid, be annulled, and that the letters be referred to a committee.¹

The Committee [Mr. Eliphalet Dyer, Mr. John Lewis Gervais, Mr. John Montgomery] to whom was referred the memorial of Thomas Liston Lieutenant of the late South Carolina Regiment submit the following Report,

That the case of this officer appears particularly unfortunate to your Committee; that being taken a prisoner of war in South Carolina he was sent to Virginia, from whence he came to Philadelphia; that since the later end of January he has been deprived of wood and rations because he was exchanged and because the Regiment to which he belonged had been deranged. Your committee observe with regret that the exchange of this officer, situated as he is, has proved a singular misfortune to him leaving him destitute, at a great dis-

¹ According to the record in Committee Books No. 186 and No. 191, Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [Oliver] Wolcott were appointed, and delivered a report March 4, which was acted upon, March 5.

tance from his friends and Connections, without the means of returning to his native Country.

Your Committee are of opinion that no officer in the Army of the United States could look upon any assistance afforded to him as partial, and therefore no inconveniency could arise from granting him some relief. From these considerations your Committee recommend, that Lieut. Thomas Liston of the late South Carolina Artillery Regiment lately exchanged be allowed six months' arrears of pay due to him, to enable him to return to South Carolina. If Congress approve the foregoing Report, they will please to Resolve,

That it be referred to the Superintendent of Finance to take order.¹

[Motion of Mr. Arthur Lee, February 26, 1783, negatived.]

That a committee be appointed to consider the best mode of restraining the lawless outrages of the refugees.²

[Report on Mr. Alexander Hamilton's motion for making allowances to States. February 26, 1783, read and consideration postponed.]

The committee having considered a motion referred to them containing the following resolution:

That the several States be earnestly requested without delay to pass laws conformable to the spirit of the recommendation of the 20th December, 1782, extending the period to the conclusion of the present war,

Beg leave to report, That it does not appear to them proper that Congress should agree to the proposed resolution, because one State has formally refused to comply with the recommendation, most of the others have paid no regard to it, and the difficulties of settling such equitable abatements as are the objects of the motion, would be probably greater than the advantages that might result from them.³

¹ This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 19, III, folio 579. The indorsement shows that it was delivered February 26, read and passed in the negative. See *post* April 24.

² This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 37.

³ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 149, III, folio 23.

THURSDAY, FEBRUARY 27, 1783

Mr. Stephen Higginson, a delegate for the State of Massachusetts, attended, and produced the credentials of his appointment, by which it appears, that on the 24 October, 1782, he was by joint ballot of the senate and house of representatives, elected a delegate to represent that Commonwealth in the United States in Congress assembled, for one year, commencing the first Monday of November, 1782.

COMMONWEALTH OF MASSACHUSETTS
COUNCIL CHAMBER BOSTON

Feb^y 5th, 1783.

These Certify That the Hon^{ble} Stephen Higginson Esq^r was elected on the twenty fourth of October 1782 by joint ballot of the Senate and House of Representatives as a Delegate to represent this Commonwealth in the United States in Congress Assembled agreeably to the Constitution; to serve for One Year commencing the first Monday of November 1782

Attest

JOHN AVERY *Secy.*¹

On a report of a grand committee consisting of a member from each State [Mr. Phillips White, Mr. Samuel Osgood, Mr. Jonathan Arnold, Mr. Oliver Wolcott, Mr. Alexander Hamilton, Mr. Silas Condict, Mr. Richard Peters, Mr. Philemon Dickinson, Mr. Daniel Carroll, Mr. James Madison, Mr. Abner Nash and Mr. John Rutledge], to whom was referred a petition of John Hall:

Resolved, That all those ~~officers~~ for the settlement of whose accounts no special provision hath heretofore been made, either by references to the states, or by the appointment of commissioners for states or departments, or otherwise, do settle their accounts ~~as well for pay and depreciation as for monies or articles bought~~ at the treasury in the usual man-

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

ner; and that any balances which may be found due to them, previous to the first day of January, 1782, be placed on interest in common with other debts due by the United States.¹

FRIDAY, FEBRUARY 28, 1783

Congress resumed the consideration of the report of the committee, which was under debate on the 25 and 26 instant; and on the question to agree to the first part thereof, as amended, relating to officers now in service, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Gilman,	no	} no	Mr. Collins,	no	} no
White,	no		Arnold,	no	
<i>Massachusetts,</i>			<i>Connecticut,</i>		
Mr. Holten,	ay	} ay	Mr. Wolcott,	ay	} div.
Mr. Gorham,	ay		Dyer,	no	
Higginson,	ay				

¹ This report is in the *Papers of the Continental Congress*, No. 19, III, folio 3. Hall's memorial is in No. 42, III, folio 435. It had been referred, on Sept. 18, 1782, to the Secretary at War, and, later, to a special committee, and was referred, on January 14, to the Grand Committee of January 6.

The following in the writing of Richard Peters, is in No. 42, III, folio 437, indorsed on Hall's memorial:

"The Grand Committee to whom was referred the Memorial of John Hall, setting forth his appointment as an Armourer and claiming a settlement of his accounts, report

That the Memorialist be referred to the Commissioner for settling the Accounts of the United States in the State of Pennsylvania to be dealt with according to the Justice of his Demands by the said Commissioner, who is hereby empowered and directed to liquidate the accounts of all Persons late in the Department of the Commissary General of Military Stores under like Circumstances with the Memorialist."

According to Committee Books 186 and 191, the same committee delivered a report on February 27 on the memorials of Pelatiah Webster and William Judd, but it was recommitted the same day, to Mr. [Richard] Peters, Mr. [Alexander] Hamilton and Mr. [Eliphalet] Dyer, who delivered a report March 3. See *post* Mar. 6.

On this day, according to the indorsement, was read a letter of February 15 from William Buchanan, Commissary General of Purchases, relative to his accounts. It was referred to Mr. [John Lewis] Gervais, Mr. [Oliver] Wolcott and Mr. [Richard] Peters. The indorsement further says that the report was filed September 19, 1786. The letter is in No. 78, IV, folio 375.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Floyd,	ay	} ay	Mr. Jones,	ay	} ay
Hamilton,	ay		Madison,	ay	
<i>New Jersey,</i>			Bland,	ay	
Mr. Boudinot,	ay	} no	Lee,	no	
Clark,	no		<i>North Carolina,</i>		
Condict,	no		Mr. Hawkins,	ay	} ay
<i>Pennsylvania,</i>			Williamson,	ay	
Mr. Mifflin,	ay	} ay	<i>South Carolina,</i>		
Fitzsimmons,	ay		Mr. Rutledge,	ay	} ay
Montgomery,	ay		Ramsay,	ay	
Peters,	ay		Izard,	ay	
<i>Maryland,</i>			Gervais,	ay	
Mr. Carroll,	ay	} ay			
Hemsley,	ay				

There being only seven states in the affirmative, a question was moved by Mr. [Theodorick] Bland, seconded by Mr. [James] Madison,

“Is the proposition on which the question was just taken, for allowing a composition for half-pay ~~an appropriation of money within the meaning of the confederation~~ a proposition which requires the assent of nine states?”¹

And on this question, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Gilman,	ay	} ay	Mr. Wolcott,	ay	} div.
White,	ay		Dyer,	no	
<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Holten,	ay	} ay	Mr. Floyd,	ay	} ay
Osgood,	ay		Hamilton,	ay	
Gorham,	ay		<i>New Jersey,</i>		
Higginson,	ay		Mr. Boudinot,	ay	} ay
<i>Rhode Island,</i>			Clark,	ay	
Mr. Collins,	ay	} ay	Condict,	ay	
Arnold,	ay				

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 41.

<i>Pennsylvania,</i>				<i>North Carolina,</i>			
Mr. Mifflin,	ay	} ay		Mr. Hawkins,	ay	} ay	
Fitzsimmons,	ay			Williamson,	ay		
Montgomery,	ay			<i>South Carolina,</i>			
Peters,	ay			Mr. Rutledge,	ay	} ay	
<i>Maryland,</i>			Ramsay,	ay			
Mr. Carroll,	ay	} ay	Izard,	ay			
Hemsley,	ay			Gervais,	ay		
<i>Virginia,</i>							
Mr. Jones,	ay	} ay					
Madison,	ay						
Bland,	ay						
Lee,	ay						
Mercer,	no						

So it was resolved in the affirmative; and consequently the foregoing question was lost.¹

The committee, consisting of Mr. [Hugh] Williamson, Mr. [Eliphalet] Dyer and Mr. [Silas] Condict, to whom was referred a letter of 18 from the Secretary for Foreign affairs, made a report; Whereupon,

The Committee to whom was referred a letter from the Secty. for foreign affairs respecting the franking of letters observe that by the ordinance for regulating the Post office dated October 14th 1782, it is provided, that *all letters on public service to the Heads of the Departments of Finance of War and of foreign affairs shall pass and be carried FREE of postage.* Those letters however which include their private correspondence are not declared to be free. But as the rank of those officers must inevitably expose them to be troubled with many letters, which may not properly belong to the business of their Departments, and as many letters on public service may not be properly endorsed your Committee presume, that the Postmaster General or his assistant will deliver all letters directed to the Heads of Departments of Finance of War and of foreign affairs as if they were marked on *public Service*, leaving it to them to account for such letters as they may find are not free according to the Spirit of the

¹ A motion appears to have been offered by Mr. [David] Ramsay, seconded by Mr. [Hugh] Williamson, "That the sense of Congress be taken whether the question is carried in the affirmative." It is indorsed on Bland's motion in the writing of Hugh Williamson and is in the *Papers of the Continental Congress*, No. 36, II, folio 41.

ordinance. With respect to letters from the Heads of those Departments, the Ordinance also provides that they shall be free, provided they are on *public Service* of which the writers alone can judge. Your Committee therefore presume that it is indifferent whether the officers referred to endorse their letters with the words *Public Service* or with the word *Free*, their name being subscribed, as it cannot be supposed that they would declare letters to be free which ought to be charged. The Postmaster General or his assistant should therefore pass letters free, which are marked in either manner. On the whole your committee beg leave to report; that it is not necessary at present to make any alteration in the Ordinance for regulating the Post Office.¹

Resolved, That all letters to and from the heads of departments, on public service, are free, and ought not to be detained for want of the words *On public service*, endorsed.

The Committee for the week [Mr. William Hemsley, Mr. Benjamin Hawkins and Mr. Phillips White] report, That the petition and remonstrance of Col^o Daniel Broadhead, so far as relates to the injuries and expences which he says he has been subjected to, from actions at law commenced against him in the courts of Yoghughena and afterwards in the courts of Westmoreland for posting some of the troops in an out house contiguous to Fort Pitt claimed by private persons and taking a range for the security of the post, and the health and supplies of the garrison for confining a number of disaffected persons in the guard house, and for taking such measures as appeared to him necessary for the defence of the post where he commanded.

For money expended in conciliating the minds of the western Indians, and his attendance upon trial before a general Court Martial in Philadelphia be referred to the Secretary at War.

That part of the aforesaid petition and remonstrance which relates to the loss of a number of vouchers which he had taken for the expenditure of public money, be referred to the Superintendant of Finance.²

The Committee for the Week [Mr. William Hemsley, Mr. Benjamin Hawkins and Mr. Phillips White] report, That the letter of Ephr.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 183.

² This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 451. The indorsement states that it was passed on this day.

Blain Esq^r dated Philadelphia 25th Feby, 1783, to his Excellency the President of Congress requesting Congress would pass a resolve to empower the Commissioner now settling the accounts of the Commissaries Department, to allow a Commission of 2 per cent upon all purchases made by the Deputy Commissaries.

To allow his travelling expences or make such other provisions as may appear to them just and reaconable; as he had expended his salary which was allowed him for the year 1780 in the Winter and Spring of that year. And to make him some acknowledgement for his Services and the very considerable expence he was at in forwarding a quantity of rum to the Army shipping 300 some odd hhds of sugar and the management of that business both in Boston and Philadelphia be referred to a special committee.¹

The Committee of the week [Mr. William Hemsley, Mr. Benjamin Hawkins, Mr. Phillips White] report, That the Memorial of Col^o Israel Shrove requesting pay and rations for the Month of Feby, 1781, be referred to the Secretary of War.²

The committee of the week [Mr. William Hemsley, Mr. Benjamin Hawkins, and Mr. Phillips White] report: That the letter from Captain Job Sumner dated New Windsor February 18, 1783, to his Excellency the President of the Congress with its enclosures be referred to the Secretary of War.³

The committee of the week [Mr. William Hemsley, Mr. Benjamin Hawkins, and Mr. Phillips White] report: That the memorial of Charles Mortimer of Virginia, Doctor of Physic, praying payment of his account, and the usual wages and rations allowed to others, for

¹ This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 453. It is undated, but Blaine's letter, dated February 25, is in No. 41, I, folio 447, and the indorsement shows that it was read on this day and referred to Mr. [John Lewis] Gervais, Mr. [Oliver] Wolcott and Mr. [Richard] Peters. On July 23, 1783, the committee was renewed, as shown by the indorsement and by Committee Book No. 186, the members of the new committee being Mr. [Richard] Peters, Mr. [Hugh] Williamson and Mr. A[rthur] Lee. This committee reported January 2, 1784.

² This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 455. It is undated, but Col. Shrove's memorial is in No. 41, IX, folio 215, and is indorsed as having been read on this day and referred to the Secretary at War.

³ This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 457. It is undated, but Committee Book No. 186, shows that Sumner's letter was referred to the Secretary at War on this day.

attending the hospital at Fredericksburg for nine months, be referred to a special committee.¹

MONDAY, MARCH 3, 1783

Mr. Thomas Sim Lee, a delegate for Maryland, attended, produced the credentials of his appointment for the current year, and took his seat in Congress.

Sir

By Direction of the general Assembly we have the Pleasure to to inform you, that you are chosen a Delegate to Congress for the ensuing Year. We have the honor to be

Sir

Y^r most ob^t H^{ble} Serv^{ts}

GEO. PLATER *Presid^t of the Senate*
THO. COCKEY DEYE *Speaker H. D.*

ANNAPOLIS Dec^r 6th 1782
hon: M^r Lee ²

On the report of the Secretary at War, to whom was referred a memorial of Colonel Shreve, late of the New Jersey line;

WAR OFFICE, March 1st, 1783.

SIR;

On the memorial of Col. Shreve late of the Jersey line referred to the Secretary at War, I beg leave to report that the circumstances set forth in the said memorial are corroborated by records in the war office, and I beg leave to submit the following draught of a resolve to the consideration of Congress.

Resolved, That the paymaster, in adjusting the accounts of Colonel Shreve, late of the New Jersey line, be directed to continue his allowance of pay to the 31 of January, 1781.³

¹ This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 449. The indorsement gives it this date. The memorial is in No. 41, VI, folio 287. It was referred, the indorsement states, to Mr. [John Lewis] Gervais, Mr. [Hugh] Williamson, and Mr. [Theodorick] Bland. According to the record in Committee Books No. 186 and No. 191, a report was delivered March 17, and acted on, March 26.

² The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

³ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 311.

On the report of the Secretary at War, to whom was referred a memorial of Captain Sumner:

WAR OFFICE, *March 1st, 1783.*

SIR;

The papers which accompany the memorial of Captain Sumner constitute the most conclusive evidence that his claim to the commission of Major is founded in justice and will not militate with the rights of other officers. I am therefore to request agreeably to the Commander in Chief's opinion and the recommendations of the officers of the army, who have signed the several certificates, that I may be authorised to issue the commission of Major to Captain Sumner bearing date on the first day of October, 1782.¹

Ordered, That the Secretary at War issue to Captain Sumner, the commission of Major, bearing date on the first day of October, 1782.

The committee, consisting of Mr. [John] Rutledge, Mr. [James] Madison, and Mr. [Richard] Peters, appointed in pursuance of a conference with a committee of the General Assembly of the State of Pennsylvania, to report an ordinance for amending the ordinance of the 5th April, 1781, for establishing courts for the trial of piracies and felonies committed on the high seas, reported a draught of an ordinance, which was read a first and second time:

Ordered, That to-morrow be assigned for the third reading.

The committee of the week [Mr. Abraham Clark, Mr. Thomas Sim Lee and Mr. Stephen Higginson] report that the within memorial [of John Story] be referred to the Secretary at War to report thereon.²

The committee of the week [Mr. Abraham Clark, Mr. Thomas Sim Lee, and Mr. Stephen Higginson] report that the petition of Phillips White in behalf of Edmund Sawyer be referred to the Superintendant of Finance to report thereon. March 3, 1783, Agreed to.³

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 295.

² This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 41, IX, folio 222, indorsed on the memorial, which is on folio 219.

³ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 257, indorsed on a letter of Edmund Sawyer to Phillips White. White's petition is on folio 249.

The committee of the week [Mr. Abraham Clark, Mr. Thomas Sim Lee, and Mr. Stephen Higginson] report that the consideration of the within petition [of the Trustees of Wilmington School] be postponed to the end of the war to be then taken into consideration in common with other applications of a similar nature. Agreed to.¹

WAR OFFICE March 3rd 1783.

SIR,

The resolve of Congress of the 31st of December, 1781, which directed that all officers, under the grade of Brigadiers General, not pertaining to the line of any particular State or separte corps of the Army, should retire on the first of January, 1782, with the emoluments of other retiring officers, excepted so many officers of that description as the service rendered necessary to be retained.

The late reduction of Corps concurring with other causes to favor the wishes of several of those officers who desire to retire on the emoluments allowed to other retiring officers, I am to request if Congress think proper to extend this indulgence to those officers whose services may be dispensed with, that they will please to resolve,

That all those officers of the line of the Army below the rank of Brigadier, who do not belong to the line of any State or separte Corps, who may obtain the Commander in Chief's permission to retire from service shall be entitled to all the emoluments granted to officers retiring under the resolves of Congress of the 21st of October 1780.²

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 265, indorsed on the petition of the Trustees of Wilmington School which is on folio 262. The indorsement shows that it was read on this day.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 303. It was read on this day, the indorsement states, and referred to Mr. [Theodorick] Bland, Mr. [Hugh] Williamson, and Mr. [Benjamin] Hawkins. According to Committee Book No. 186, a letter of March 13, from the Secretary at War, enclosing a list of officers retained in service, was referred to the same committee. This letter is on folio 343, and the list on folio 347. See *post* March 13 and April 23, 1783.

On this day, according to the indorsement, was read a letter dated London May 13, 1782, from Samuel Curson applying to be consul at some one of the principal European trading ports. It is in No. 78, VI, folio 105.

On this or an approximate date, was read a letter of March 3, from the Superintendent of Finance, announcing that the Assembly of Connecticut had adjourned without laying taxes at the request of Congress. It is in No. 137, II, folio 143.

Also a letter of February 26 from General Washington. It is in No. 152, XI, folio 75, and is printed in *The Writings of Washington* (Ford) X, 159.

TUESDAY, MARCH 4, 1783

A motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [William] Floyd:

"Whereas in the opinion of Congress, it is essential to those principles of justice and liberality, which ought to govern the intercourse between these states, that in the final adjustment of accounts for the supplies or contributions of the states respectively, towards the common expences in the course of the war, equitable allowances should be made in favor of those states, parts of which have been at different periods in possession of the enemy: and whereas the strict application of the rule prescribed by the 8 Article of the Confederation, as declared by the resolution of the 17 of February, would operate greatly to the ~~injury~~ prejudice of such states, and to the calamities of war, add an undue proportion of the public burthen,

Resolved, That Congress will, in the application of the said rule, make such abatements in favour of the said states, as from a full consideration of circumstances shall appear to them just and equitable, for the time the said parts of the said states may have been in possession of the enemy." ¹

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Phillips] White, that the consideration of the foregoing motion be postponed:

And on the question for postponing, the yeas and nays being required by Mr. [Alexander] Hamilton,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Gilman,	ay	} ay	Mr. Collins,	no	} *
White,	ay		<i>Connecticut,</i>		
<i>Massachusetts,</i>			Mr. Wolcott,	ay	} div.
Mr. Holten,	ay	} ay	Dyer,	no	
Osgood,	ay		<i>New York,</i>		
Gorham,	ay		Mr. Floyd,	no	} no
Higginson,	ay		Hamilton,	no	

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 43. The two subsequent motions and votes are indorsed on this motion by Thomson.

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	ay	} ay	Mr. Jones,	ay	} ay
Clark,	ay		Madison,	ay	
Condict,	ay		Bland,	ay	
<i>Pennsylvania,</i>			Lee,	ay	} ay
Mr. Mifflin,	no	} no	Mercer,	ay	
Fitzsimmons,	no		<i>North Carolina,</i>		
Montgomery,	ay		Mr. Hawkins,	ay	
Peters,	no		Williamson,	ay	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. T. S. Lee,	ay	} ay	Mr. Rutledge,	no	} no
Carroll,	ay		Izard,	no	
Hemsley,	ay		Gervais,	no	

So the question was lost.

On the question to agree to the first motion, the yeas and nays being required by Mr. [Alexander] Hamilton,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	no	} no	Mr. Mifflin,	no	} div.
White,	no		Fitzsimmons,	ay	
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Holten,	no	} no	Peters,	ay	
Osgood,	no		<i>Maryland,</i>		
Gorham,	no		Mr. T. S. Lee,	no	} no
Higginson,	no		Carroll,	no	
		Hemsley,	no		
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins,	ay	} *	Mr. Jones,	no	} no
<i>Connecticut,</i>			Madison,	no	
Mr. Wolcott,	no	} no	Bland,	no	
Dyer,	no		Lee,	no	
<i>New York,</i>			Mercer,	no	
Mr. Floyd,	ay	} ay	<i>North Carolina,</i>		
Hamilton,	ay		Mr. Hawkins,	no	} no
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	} no	<i>South Carolina,</i>		
Clark,	no		Mr. Rutledge,	no	} no
Condict,	no		Izard,	no	
		Gervais,	no		

So it passed in the negative.

According to order, the ordinance was read a third time, and passed as follows:

An Ordinance to amend an ordinance, entitled "An Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas"

Be it ordained by the United States in Congress assembled, and by the authority of the same, that ~~the Judge of the Court of Admiralty, or, in case there shall be several judges of the said court in the state where the trials hereafter mentioned are to be had, any one of such judges, to be commissioned for that purpose by the supreme executive power of such State, and the justices of the supreme or superior court of judicature of the several and respective states, or any two, or more, of them, (of whom the said Judge of the Admiralty shall always be one); the justices of the supreme or superior court of judicature, and the judge of the admiralty, or any two or more of them, including the judge of the admiralty in the several and respective states; or in case there shall be several judges of the admiralty in a state, the justices of the supreme or superior court of judicature, and a judge of the admiralty to be commissioned for that purpose by the executive power of such state, or any two of them including a judge of the admiralty, are hereby constituted and appointed a court for hearing and trying all offenders who, in and by an Ordinance, entitled "An Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas," passed the 5 day of April, 1781, are triable before the justices of the supreme or superior court of judicature and judge of the court of admiralty of the several and respective states, or any two or more of them; provided that nothing herein contained shall extend to prosecutions already commenced, which shall be determined in the same manner as if this ordinance had never been made.~~

Done, &c.¹

¹ The draft of this ordinance, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 59, III, folios 423 and 425.

On this day, according to the indorsement, was read a letter of February 25, from Governor Clinton to the delegates from New York, relative to the usurped government of the New Hampshire Grants, with enclosures. It is in No. 40, II, folio 373, and was referred to Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, Mr. [Arthur] Lee, Mr. [John Taylor] Gilman, and Mr. [Oliver] Wolcott. According to Committee Book No. 186, the committee was renewed April 28, Mr. [Phillips] White and Mr. [John Francis] Mercer replacing Gilman and Wolcott. See *post*, May 26.

Also on this day, according to the indorsement, a letter of March 3 from the Secretary at War, enclosing "some observations on the general military system of the United States" and the establishment of magazines and academies, was read, and referred to Mr. [Thomas] Mifflin, Mr. [Theoderick] Bland, and Mr. [Alexander] Hamilton. It

WEDNESDAY, MARCH 5, 1783

The committee, consisting of Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [Oliver] Wolcott, to whom were referred the letters of 24 January and 26 February, from the Superintendant of finance, having reported, that it does not appear to the committee to be necessary that Congress should take any immediate measures respecting the office of finance,¹

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. A[rthur] Lee, that the report of the committee be postponed, in order to take into consideration the following motion:

That a committee be appointed to devise the most proper means of arranging the department of finance.²

A motion was made by Mr. [John] Rutledge, seconded by Mr. [Samuel] Holten, "that the report and motion be committed:"

And on the question for commitment, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Gilman,	ay } *	Mr. Wolcott,	no } div.
<i>Massachusetts,</i>		Dyer,	ay }
Mr. Holten,	ay }	<i>New York,</i>	
Osgood,	ay } ay	Mr. Floyd,	no }
Gorham,	no }	Hamilton,	no } no
Higginson,	ay }	<i>New Jersey,</i>	
<i>Rhode Island,</i>		Mr. Boudinot,	no }
Mr. Collins,	ay } ay	Clark,	ay }
Arnold,	ay }	Condict,	ay }

is in No. 38, folio 283. According to Committee Book No. 186, the committee was discharged April 28, "and the business referred to Committee of 4 April on Peace Arrangements."

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 19, IV, folio 385. The Superintendant of Finance's letter of February 26, is in No. 137, II, folio 139.

² This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 47.

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Mifflin,	ay	} no	Mr. Jones,	no	} no
Fitzsimmons,	no		Madison,	no	
Wilson,	no		Bland,	ay	
Montgomery,	no		Lee,	ay	
Peters,	ay		Mercer,	no	
<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Lee,	ay	} no	Mr. Hawkins,	ay	} div.
Carroll,	no		Williamson,	no	
Hemsley,	no			<i>South Carolina,</i>	
			Mr. Rutledge,	ay	} ay
			Izard,	ay	
			Gervais,	ay	

So the question was lost.

On the question to agree to the motion of Mr. [Theodorick] Bland, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Gilman,	ay	} div.	Mr. Mifflin,	ay	} no	
<i>Massachusetts,</i>			Fitzsimmons,	no		
Mr. Holten,	ay		Wilson,	no		
Osgood,	no		Montgomery,	no		
Gorham,	no		Peters,	no		
Higginson,	ay		<i>Maryland,</i>			
<i>Rhode Island,</i>			Mr. Lee,	ay	} no	
Mr. Collins,	no	} div.	Carroll,	no		
Arnold,	ay		Hemsley,	no		
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. Wolcott,	no	} div.	Mr. Jones,	no	} no	
Dyer,	ay		Madison,	no		
<i>New York,</i>			Bland,	ay		
Mr. Floyd,	no	Lee,	ay			
Hamilton,	no	Mercer,	no			
<i>New Jersey,</i>			<i>North Carolina,</i>			
Mr. Boudinot,	no	} no	Mr. Hawkins,	ay	} div.	
Clark,	no		Williamson,	no		
Condict,	ay			<i>South Carolina,</i>		
				Mr. Rutledge,	no	} ay
			Izard,	ay		
			Gervais,	ay		

So the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [John Taylor] Gilman,

That the report of the committee be postponed, in order to take into consideration the following motion:

That a committee be appointed to devise the most proper ~~means of arranging the department of finance~~ steps to be taken in consequence of the ~~late communication from the officer who is at the head of the Department of Finance.~~ letters of the 24 January and 26 of February, from the Superintendant of finance: ¹

And on the question to agree to this, the yeas and nays being required by Mr. [John Taylor] Gilman,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Gilman,	ay } *	Mr. Mifflin,	ay
<i>Massachusetts,</i>		Fitzsimmons,	ay
Mr. Holten,	ay	Wilson,	ay
Osgood,	ay	Montgomery,	ay
Gorham,	no	Peters,	ay
Higginson,	ay	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Lee,	ay
Mr. Collins,	no	Carroll,	ay
Arnold,	ay	Hemsley,	ay
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Wolcott,	ay	Mr. Jones,	ay
Dyer,	ay	Madison,	ay
<i>New York,</i>		Bland,	ay
Mr. Floyd,	ay	Lee,	ay
Hamilton,	ay	Mercer,	ay
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Boudinot,	no	Mr. Hawkins,	ay
Clark,	ay	Williamson,	ay
Condict,	ay	<i>South Carolina,</i>	
		Mr. Rutledge,	ay
		Izard,	ay
		Gervais,	ay

So it was resolved in the affirmative.

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 51.

On the question,

Resolved, That a committee of five be appointed to devise the most proper steps to be taken in consequence of the letters of the 24 January and 26 of February, from the Superintendent of finance.¹

THURSDAY, MARCH 6, 1783

On the report of a committee consisting of Mr. [Samuel] Holten, Mr. [Richard] Peters, and Mr. [John] Collins, to whom was referred a letter of 21 February from the Superintendent of finance, on the case of Colonel Gridley:

The committee to whom was referred the letter from the Honorable Robert Morris Esquire and the letters accompanying the same, respecting Colonel Gridley's pay, find that by a resolution of Congress of the 17th November, 1775, they engaged to "indemnify Colonel Gridley for any loss of half pay which he may sustain in consequence of his having been in the service of the United States." And that by another resolution of the 26th February, 1781, it was recommended to the State of Massachusetts to make up to Colonel ~~Richard~~ Gridley the depreciation of his pay as Engineer at sixty dollars per month from the time of his appointment to the first day of January, 1781, in like manner with other officers in the Continental Service, and charge the same to the United States; that from and after the said first day of January, 1781, Colonel Gridley be considered as a retiring officer and be entitled to receive from the United States four hundred and forty-four dollars and $\frac{2}{5}$ of a dollar per annum in bills of the new emissions in virtue of the resolution of Congress of the 17th November, 1775, on the subject of his indemnification for any losses he might sustain by entering into the service of the United States; and it appears by Colonel Gridley's letter to Mr. Morris of the 5th of November, 1782, that upon his application to the said State they granted and paid the depreciation by giving their notes, and also made him a grant for the sum of £182 10/ Massachusetts currency, being for eighteen months half pay; and that he had received a

¹ The entries in the journal kept by the Secretary of Congress for the Superintendent of Finance (*Morris Papers; Congressional Proceedings*), and in Committee Book No. 186, show that the committee was appointed on this day and discharged April 28. It consisted of Mr. [John] Rutledge, Mr. [Hugh] Williamson, Mr. [Nathaniel] Gorham, Mr. [Oliver] Wolcott and Mr. [Abraham] Clark.

warrant on the Treasurer of the State for the said sum, but that he had not received any money upon it.

~~Your committee are of opinion that Colonel Gridley ought not to be considered in the same situation as other retiring officers, because Congress engaged to indemnify him for any loss of half pay, and therefore report that the letters be referred back to the Superintendant of Finance, together with this report, and that he be directed to take order thereon having regard to what has been already granted to Colonel Gridley by the State of Massachusetts on account of his half pay.~~

Your committee therefore conceive that the case of Colonel Gridley seems distinguishable from that of other retiring officers as he abandoned his British half pay on an agreement made by Congress to indemnify him therefor; but whether this should operate so as to entitle him to payment in preference to those who have by engaging in the American cause in the early periods of the war, put to risk their lives and fortunes, and having equally just demands have equal pledges of the public faith for payment, your committee leave to the determination of Congress; should Congress, however, be of opinion that their special agreement should be at all events complied with, they will please to resolve

Ordered, That the letter from the Superintendant of finance, respecting the half pay due to Colonel Gridley, with its enclosures, be referred back to the Superintendant of finance, and that he be directed to take order therein, having regard in settlement with Colonel Gridley, to any grants made to him by the State of Massachusetts, on account of his half pay, the same being founded on a special contract made with Colonel Gridley at the time he relinquished his half pay in the British army, to enter into the service of the United States.¹

[Report of Mr. Richard Peters, Mr. Alexander Hamilton, and Mr. Eliphalet Dyer.]

The committee to whom was committed the report of the Grand Committee on the memorial of Pelatiah Webster and William Judd

¹ This report, in the writing of Samuel Holten, except the last paragraph, which is in the writing of Richard Peters and Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, II, folio 529-532.

on behalf of the deranged officers of the lines of Massachusetts and Connecticut submit the following resolution:

That the accounts of the officers who have retired on half pay at different periods of the war, or their representatives, be settled on the same principles with the accounts of the army as contained in the resolution of the 25 of January last.

The committee advise that the parts of their Memorial relating to an advance of money be referred to the Superintendant of Finance to take order.¹

The Grand Committee to whom was referred the Memorial of the late issuing Commissaries, beg leave to report,

That the same be referred to a special committee.²

[Report of Mr. Nathaniel Gorham, Mr. Alexander Hamilton, Mr. James Madison, Mr. Thomas FitzSimons, Mr. John Rutledge appointed to consider the means of restoring and supporting public credit and of obtaining from the States substantial funds for funding the whole debt of the United States.]

Resolved, That it be recommended to the several States, as indispensably necessary to the restoration of public credit, and the punctual and honorable discharge of the public debts, to vest in the United States in Congress assembled, a power to levy for the use of the United States, a duty of five per centum ad valorem, at the time and place of importation, upon all goods, wares and merchandizes of foreign growth and manufactures, which may be imported into any of the said States, from any foreign port, island or plantation, except arms, ammunition, clothing and other articles imported on account of the United States, or any of them, and except wool cards, cotton cards, and wire for making them, and also except salt during the war:

Also a like duty of five per centum ad valorem, on all prizes and prize goods condemned in the Court of Admiralty of any of these states as lawful prize:

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, VI, folio 489. The indorsement states that it was read March 5 and and on March 6 negatived: ayes 5; noes, 4.

² This report, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 489a. According to the indorsement, it was read on this day, and Committee Book No. 186 shows that it was referred to Mr. [Oliver] Wolcott, Mr. [Stephen] Higginson and Mr. T[homas] S[im] Lee, and that, April 28, the committee was renewed, the members being Mr. [Stephen] Higginson, Mr. [Richard] Peters and Mr. [Samuel] Holten.

Also to levy a duty of $\frac{1}{3}$ of a dollar per bushel on all salt imported as aforesaid, after the war; $\frac{1}{5}$ of a dollar per gallon on all wines; $\frac{1}{30}$ of a dollar per gallon on all rum and brandy; $\frac{2}{3}$ of a dollar per 112 lbs. on all brown sugars; 1 dollar per 112 lbs. on all powdered, lump and clayed sugars, other than loaf sugars; $1\frac{1}{2}$ dollar per 112 lbs. on all loaf sugars; $\frac{1}{30}$ of a dollar per lb. on all Bohea Tea and $\frac{1}{5}$ of a dollar per lb. on all finer India teas, imported as aforesaid [after ——— in addition to the five per cent. above mentioned.]¹

Provided, That none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, nor be continued for a longer term than twenty-five years; and provided, that the collectors of the said duties shall be appointed by the states within which their offices are to be respectively exercised; but, when so appointed, shall be amenable to and removable by the United States in Congress assembled alone, and in case any State shall not make such appointment within after notice given for that purpose, the appointment may then be made by the United States in Congress assembled.

~~And provided further that an account of the proceeds and application of the said revenues be returned to the different states annually.~~³

That it be further recommended to the several states, to establish for a like term, not exceeding twenty-five years, and to appropriate to the discharge of the interest and principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, substantial and effectual revenues of such nature as they may respectively judge most convenient, to the amount of and in the proportions following, viz.⁴

Recommended 21
March, 1783, and a
report adopted in
the room hereof.

¹ The words in brackets are in the writing of Charles Thomson. On the printed copy is the following marginal note in manuscript: March 11, 1783, recommitted with the estimate of the public debt by the Superintendent of finance and that part of his letter which proposes that the impost of five per cent. ad valorem be exchanged for a tariff.

² With slight amendment. See *post*, April 18.

³ This paragraph is in the writing of Charles Thomson.

⁴ The following proportions, in the writing of Thomas FitzSimons were offered, but, apparently, not adopted. They are in the *Papers of the Continental Congress*, No. 26, folio 413.

[Footnote continued on page 172]

That an annual account of the proceeds and application of the aforementioned revenues, shall be made out and transmitted to the several states, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State.¹

The said revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected, and be liquidated and adjusted among the states according to the quotas, which may from time to time be allotted to them.

That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State, after which unanimous accession, however, they shall be considered as forming a mutual compact among all the states, and shall be irrevocable by any one or more of them without the concurrence of the whole, or of a majority of the United States in Congress assembled, ~~provided that after the unanimous accession to all the preceding resolutions, the proposed alteration in the 8th of the Articles of Confederation shall not hereafter be revoked or varied otherwise than is pointed out in the 13th of the said Articles.~~

That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress, of the 6 of September, and 10 of October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliances.

That in order to remove all objections against a retrospective application of the constitutional rule, of ~~apportioning~~ proportioning to the several states, the charges and expences which shall have been

Footnote—continued.

New Hampshire - - - - -	80,000	Delaware - - - - -	28,000
Massachusetts - - - - -	320,000	Maryland - - - - -	220,000
Rhode Island and Providence Plantations - - - - -	48,000	Virginia - - - - -	290,000
Connecticut - - - - -	222,000	North Carolina - - - - -	148,000
New York - - - - -	90,000	South Carolina - - - - -	120,000
New Jersey - - - - -	110,000	Georgia - - - - -	24,000
Pennsylvania - - - - -	300,000		<hr/> 2,000,000

¹ This paragraph is added in the report, in the writing of Charles Thomson.

supplied for the common defence or general welfare, it be recommended to them to enable Congress to make such equitable exceptions and ~~variations~~ abatements as the particular circumstances of the states from time to time during the war may be found to require.

That conformably to the liberal principles on which these recommendations are founded, and with a view to a more amicable and complete adjustment of all accounts between the United States and individual states, all reasonable expences which shall have been incurred by the states ~~separately~~ without the sanction of Congress, in their defence against, or attacks upon British or savage enemies, either by sea or by land, and which shall be supported by satisfactory proofs, shall be considered as part of the common charges incident to the present war, and be allowed as such:

Re committed
March 27.

That as a more convenient and certain rule of ~~fixing~~ ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union between the states, be and the same is hereby agreed to in Congress, and the several states are advised, to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the words following, to wit:

So much of the eighth of the Articles of Confederation and perpetual union between the thirteen states of America, as is contained in the words following to wit:

"All charges of war," &c., (to the end of the paragraph), is hereby revoked and made void; and in place thereof, it is declared and concluded, the same having been agreed to in a Congress of the United

States, that all charges of war, and [all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states,]¹ in proportion to the number of inhabitants of every age, sex and condition, except Indians not paying taxes in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint; provided always, that in such numeration no persons shall be included who are ~~deemed slaves~~ bound

Struck out
March 28.

¹ The portion in brackets was added to the report in the writing of Charles Thomson.

to servitude for life, according to the laws of the State to which they belong, other than such as may be between the ages of / / ¹

WAR OFFICE, *March 5th 1783*

SIR,

There are many officers who have been wounded in the service of the United States, who are thereby rendered incapable of farther duty either in the field or in garrison, and who wish to retire from the army. No other provision has been made for such officers than what they may receive by annexing themselves to the Corps of Invalids.

This is distressing to the individuals and expensive to the public.

I beg leave to suggest the propriety of permitting those officers, who have been wounded in service and who wish to leave the army to retire to their respective homes with allowances proportioned in some measure to their inability.²

WAR OFFICE *March 5th 1783*

SIR,

On the petition of Captain Buchanan referred to the Secretary at War, I beg leave to submit the following draught of a resolve to the consideration of Congress:

Resolved, That it be recommended to the State of New York to settle the depreciation of pay due to Captain Buchanan and charge the same to the United States.³

WAR OFFICE, *March 5th 1783.*

SIR,

It appears from authenticated papers lodged with me by Colonel Broadhead, that twelve or thirteen actions have been commenced, and are still pending against him in the County of Westmoreland, Pennsylvania for certain transactions to which I conceive he was authorised as commanding officer of Fort Pitt, by the resolves of Congress and instructions from the Board of War.

Congress on the 18th of April, 1780, resolved that Colonel Broadhead should be supported by them in any act or orders, which the

¹ This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 26, folios 438-440. It was presented on March 6, ordered to be printed, and the printed copy was in the members' hands on March 7. See *post* Madison's Notes. Printed copies are on folios 411, 412 and 413.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 315. According to the indorsement it was referred on this day to Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Daniel] Carroll. See *ante*, December 19, 1782, *note*.

³ This report is in the *Papers of the Continental Congress*, No. 149, II, 323. According to the indorsement it was negatived on this day.

nature of the service and the discharge of his duty as commanding Officer of Fort Pitt had made or should make necessary.

It appears likewise that he has expended considerable sums of money in presents to the Indians to conciliate their affections, and that he was involved in an extra expence by attending a Court-Martial in this City.

On the whole of his memorial, as referred to me, I beg leave to submit the following draught of a resolve to the consideration of Congress:

Resolved, That the Comptroller be directed to settle the accounts of Colonel Daniel Broadhead for the money he has expended in the several actions brought against him in the County of Westmoreland, for certain public transactions of his while commanding Officer at Fort Pitt, for the money he has advanced in presents to the Indians and for the necessary expences which he incurred in this City, over and above the amount of his subsistence while attending on a Court-Martial.

Should Colonel Broadhead be involved in any farther expences on the actions aforesaid,

Ordered, That he report the same to Congress.¹

FRIDAY, MARCH 7, 1783

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [Thomas] Fitzsimmons, to whom was referred a letter of the 14 October last from Dr. Franklin, so far as it relates to the mode of paying the salaries of the ministers and other officers of the United States in Europe:

Resolved, That the salaries of the ministers and other officers of the United States in Europe, be estimated in future in dollars, at the rate of four shillings and six pence sterling per dollar:

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 327. According to the indorsement it was referred on this day to Mr. [Abraham] Clark, Mr. [Eliphalet] Dyer and Mr. [John] Rutledge.

On this day, as the indorsement indicates, was read a letter of the same date from Pierre Eugene Du Simitière, praying to have his packet of prints delivered free of postage. The indorsement adds: "prayer granted". This letter is in No. 78, XXI, folio 289.

That they be paid in bills of exchange upon France or Holland, at the rate of five livres, five sous tournois per dollar, without regard to the variations which may be occasioned by the course of exchange:

That these resolutions retrospect to the first day of January, 1782, when the salaries of the said officers were made payable in America; and that the excess beyond the said net sum in bills of exchange, which has accrued or which shall accrue upon the quarter due on the first day of January last, be carried to the credit of the United States, and accounted for by the Secretary for Foreign affairs, in the adjustment of the accounts of his department on the first day of April next.¹

On motion of Mr. [Eliphalet] Dyer, seconded by Mr. [Oliver] Wolcott,

Ordered, That the report of the committee to whom were referred two paragraphs of the report of the grand committee on a memorial from the officers of the army, be committed.

WAR OFFICE, *March 6th, 1783.*

SIR,

On the system of the Quarter Master's Department referred to me, I beg leave to report that I have compared the allowances of forage, waggons, and bat horses to the officers as proposed therein with the several resolves of Congress by which officers are entitled to this provision and I find them correspondent excepting in the allowances to the Adjutant General's Department—the officers of which are entitled by the resolve of the first of August last to a greater proportion than the proposed system provides for—in this instance I would recommend that the system should accord with the resolve alluded to.

¹ This report was also entered in the manuscript Secret Journal, Foreign Affairs. The report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, II, folio 345. According to the indorsement, it is the report of Mr. [Samuel] Osgood, Mr. [John] Rutledge and Mr. [Samuel] Wharton, they being the members of the committee appointed December 27, 1782, on Doctor Franklin's letter of October 14, as shown by Committee Book No. 186; but, on February 26, as shown by the same record, Mr. [Nathaniel] Gorham and Mr. [Thomas] FitzSimons were appointed in place of Osgood and Wharton.

The system proposes certain alterations in the allowance to officers whose supplies of forage, waggons and bat horses have not been so fixed by any resolve as to constitute a claim to any particular allowance. These alterations are pointed out by the Quarter Master as necessary, and as they result from experience I think it would be well to adopt them.

The adoption of the system is otherwise eligible, as it will facilitate business, by bringing into one view all the allowances of forage, waggons, and bat horses which have been granted by the several resolves of Congress, to which reference must be had if the proposed system should not be passed.¹

MONDAY, MARCH 10, 1783

Mr. Eleazer McComb and Mr. Gunning Bedford, two delegates for the State of Delaware, attended, and produced the credentials of their appointment, by which it appears, that on the first day of February, 1783, the honble Cæsar Rodney, James Tilton, Eleazer McComb and Gunning Bedford, jun^r esqrs. were elected delegates to represent the said State in the Congress of the United States of America.

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,
Saturday, P. M. February 1, 1783.

The Council and House of Assembly proceeded, by joint Ballot, to the choice of Delegates to represent this State in the Congress of The United States of the The United States of America for the ensuing year, and the Box containing the Ballots being examined by the Speakers of both Houses, in the Presence of the Members, The Honorable Caesar Rodney, James Tilton, Eleazer McComb and Gunning Bedford, Jun^r, Esquires, are declared duly elected.

Extract from the Minutes,

JA^s BOOTH *Clk of Assembly.*²

This is to certify that on the twenty seventh day of November seventeen hundred and eighty two the Honourable Thomas Sim Lee, Daniel Carroll, William Hemsley and Edward Giles Esquires were

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 319. According to the indorsement it was read on this day and entered.

² The original is in the *Papers of the Continental Congress*, Delaware, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

elected by the joint Ballot of the Senate and House of Delegates to represent the State of Maryland in Congress for the ensuing Year.

Test.

J^A. MACCUBBIN *Cl. Sen.*

W^M. HARWOOD, *Cl. Ho. Del.*¹

The committee, consisting of Mr. [Daniel] Carroll, Mr. [Eliphalet] Dyer and Mr. [Thomas] Mifflin, to whom was referred the report of the committee on two paragraphs of a report of the grand committee, brought in a report:

The committee to whom was referred the report of the committee, respecting the commutation of half pay,

Report, that having maturely considered the several objections which have been made, they do not find them of sufficient weight to induce your committee to propose any other alteration than by striking out the last clause in the said report.²

And the report of the committee being taken into consideration and amended so as to read as follows:

“That such officers as are now in service, and continue therein to the end of the war, shall be entitled to receive the sum of five years’ full pay in money, or securities on interest at six per cent. per annum, at the option of Congress, instead of the half pay promised for life by the resolution of the 21 of October, 1780: the said securities to be such as shall be given to the other creditors of the United States; provided that it be at the option of the lines of the respective states, and not of officers individually in those lines, to accept or refuse the same: that all officers who have retired from service upon the promise of half pay for life, shall be

¹ The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. According to the entry in No. 179, it was read March 10.

² This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 21, folio 323. It is undated. Indorsed on the report is the following in the writing of Theodorick Bland:

~~“in case the officers of the army or a majority of them will agree to accept the same, to be certified to Congress by a committee from the whole army, authorized for that purpose to consist of a member from each line.”~~²

entitled to the benefits of the above resolution; provided that those of the line of each State, collectively, agree thereto: that the same commutation shall extend to the corps not belonging to the lines of particular states, the acceptance or refusal to be determined by corps: that all officers entitled to half pay for life, not included in the above resolution, may collectively agree to accept or refuse the commutation."

On the question to agree to the report, thus amended, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Gilman,	no	Mr. McComb,	ay
White,	no	Bedford,	ay
<i>Massachusetts,</i>		<i>Maryland,</i>	
Mr. Holten,	ay	Mr. Lee,	ay
Osgood,	ay	Carroll,	ay
Gorham,	ay	Hemsley,	ay
Higginson,	ay	<i>Virginia,</i>	
<i>Rhode Island,</i>		Mr. Jones,	ay
Mr. Collins,	no	Madison,	ay
Arnold,	no	Bland,	ay
<i>Connecticut,</i>		Lee,	ay
Mr. Wolcott,	ay	Mercer,	no
Dyer,	no	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Hawkins,	ay
Mr. Floyd,	ay	Williamson,	ay
Hamilton,	ay	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Rutledge,	ay
Mr. Boudinot,	ay	Ramsay,	ay
Clark,	no	Izard,	ay
Condict,	no		
<i>Pennsylvania,</i>			
Mr. Mifflin,	ay		
Fitzsimmons,	ay		
Wilson,	ay		
Montgomery,	ay		
Peters,	ay		

So the question was lost.

That a committee be appointed to consider the most proper means of cherishing genius and useful arts through the United States by securing to the authors or publishers of new books their property in such works.¹

OFFICE OF FINANCE, 10th March, 1783.

SIR,

I do myself the Honor to Enclose according to the Order of Congress a List of the several officers employed in the Department of Finance and Marine. I must observe that the Clerks Business of the Marine Office is done by the Clerks in my Office the Business of which may be divided into three Parts the Receipt Expenditure and Accounts and of these the last may be divided into two Parts viz: the accounts preceeding and those subsequent to my administration. The latter can be adjusted by the officers of the Treasury and alone constitute a permanent Expence. The former is unhappily necessary by the loose Mode in which the public Business was at first conducted but it will cease with the Settlement of the Old Accounts which I earnestly wish were accomplished.²

OFFICE OF FINANCE, 10th March, 1783.

SIR

In Consequence of the Order of Congress of the eighteenth of last Month I do myself the Honor to enclose an Estimate of the Principal of the Public Debt to the first Day of January, 1783, which has been transmitted to me by the Register of the Treasury. This amounts to thirty five Million three hundred and twenty seven thousand seven hundred and sixty nine Dollars and fifty three and one eight ninetieths exclusive of what he calls the unliquidated

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 113. The indorsement indicates that it was offered this day and referred to Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison. See *post* May 2.

² This report is in the *Papers of the Continental Congress*, No. 137, II, folio 175. Filed with it are the lists of civil officers in the department of Finance and Marine; and also a list of officers employed for the receipt of Public Revenue in the various states, and a list of the officers in the Department of the Treasury, including the Commissioners for settling the accounts between the individual states and the United States. All these lists give names and salaries, and, together with similar lists of the officers employed in the office of the Secretary of Congress, and in the Department of Foreign Affairs, were entered in No. 12, Book of Estimates, with the Order of Congress, of February 18, which called for these reports.

Debt being the Monies due to the several States and to individuals in the several States. I beg Leave also to mention other Debts which have not been taken into the Register's Contemplation, namely, the old continental Bills and Arrearages of Half Pay. Congress will easily see that it is not in the Power of their Servants to state the public Debts with any tolerable Precision.¹

The Superintendant of Finance to whom was referred the Memorial of Philip [Phillips] White begs leave to report,

That as both loan office certificates and lottery tickets are from the nature thereof the property of the bearer it is absolutely necessary that the destruction as well as the loss of them should be clearly proved before any remedy can be granted to the loser.²

[TUESDAY, MARCH 11, 1783]

By The United States in Congress Assembled

March 11, 1783

Ordered, that the three first paragraphs of the report of a committee consisting of Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Thomas] Fitzsimmons and Mr. [John] Rutledge on the subject of finance, be referred back to the same committee together with the estimate of the public debt by the Superintendant

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 195. The various estimates are filed with it, and are entered in No. 12, Book of Estimates, with the Order of Congress, of February 18, which called for the report.

² This report is in the *Papers of the Continental Congress*, No. 137, II, folio 209. The indorsement says it was read and entered on this day and on the 29th referred to Mr. [Thomas] FitzSimons, Mr. [James] Madison, and Mr. [Abraham] Clark. According to Committee Book No. 186, the committee reported April 1.

On this day as the indorsement indicates, was read a letter of March 8 from the Superintendent of Finance on the report of the committee on Finance, and on March 11 it was referred to Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Thomas] FitzSimons, and Mr. [John] Rutledge. It is in No. 137, II, folios 151-159.

Also a letter of March 10 from the Secretary at War, enclosing an extract of a letter, of February 2, from General Greene. It is in No. 149, II, folio 333, and the extract from Greene's letter on folio 331.

Also, on this or an approximate date, a letter of March 10 from the Superintendent of finance, enclosing a copy of a letter, dated February 2, from General Greene on the condition of the Southern army. It is in No. 137, II, folio 167.

of finance and so much of his letter of the 8th as relates to exchanging the impost of five per cent. ad valorem for a tariff.

Extract from the minutes

GEO BOND, *Dep^y Sec^y*¹

[THURSDAY, MARCH 13, 1783]

The committee to whom was referred the letters and papers from the Quartermaster General, report the following Resolutions:

Resolved, That the army under the Command of General Greene so far as respects the Quartermaster General's department is and shall be considered a separate army. That the Quartermaster General proceed to appoint the officers in his department agreeable to the resolutions of the 15th of July 1780 who shall govern themselves accordingly.

Resolved, That that the Quartermaster General be and he is hereby authorised and directed to appoint for the aforesaid army ~~some~~ one additional Deputy Quarter Master *who is to be principal* in that army, which appointment shall continue until the further order of Congress and he shall be allowed for the time he is in actual service 75 dollars per month and 4 rations per day in addition to the pay and subsistence he is allowed in the line; the same additional pay and rations shall be allowed to the officer who has done that duty from the time General Greene took the command of the Southern Army.

Resolved, That all resolutions heretofore passed empowering the Commanding Officer of the Southern Army to appoint the Officers in the Quartermaster General's department, be and the same are hereby repealed.

Resolved, That an additional deputy quartermaster general be appointed by the Quartermaster General for the Southern Army.²

¹ This order is in the *Papers of the Continental Congress*, No. 137, II, folio 163. According to Committee Book No. 186, the committee reported on March 17.

On this date, as the indorsement states, were read two letters from General Washington of March 7. They are in No. 152, XI, folios 97 and 101.

Also, according to the indorsement and the record in Committee Book No. 186, a memorial dated Philadelphia, Mar. 10, 1783, and signed by Samuel Starbuck and William Retch, representing the inhabitants of Nantucket, was on this day referred to Mr. [Nathaniel] Gorham, Mr. [John] Collins, and Mr. [Thomas] FitzSimons. It is in No. 41, VII, folio 91.

² This report, in the writing of a clerk, except the last paragraph which is in Edmund Randolph's writing, is in the *Papers of the Continental Congress*, No. 22, folio 175. The indorsement says it was ordered to be considered this day, but it does not appear to have been acted on.

WAR OFFICE, *March 13th, 1783.*

SIR,

In my letter which I had the honor to address to Congress on the 3rd inst. I mentioned the wish of some officers to retire who were retained in service under the resolution of Congress of the 31st December, 1781.

With that letter I omitted to return the names of the officers so retained. A list of them I have the honor now to enclose, at the head of which is Lieut. Col. Hamilton. This gentleman by his letter of the March, 1782, to his Excellency General Washington, a copy of which is now in this office, relinquishes all emoluments arising from his commission during the war or after it. Which sentiment is strongly expressed in the following extract from the same letter:

“As I have many reasons to consider my being employed hereafter in a precarious light, the bare possibility of rendering an equivalent will not justify to my scruples the receiving any future emoluments from my commission. I therefore renounce from this time all claim to the compensations attached to my military station during the war or after it; but I have motives which will not permit me to resolve on a total resignation.”¹

[SATURDAY, MARCH 15, 1783]

WAR OFFICE, *March 14th 1783.*

SIR,

The memorial of John Storer [Story] solicits from Congress a recommendation to the State of Massachusetts, that they would make up his depreciation as they settled with the officers of their own line.

I find in his memorial presented to Congress on the 24th of July, 1781, he requested that his depreciation might be settled.

Congress then rejected his request and referred him for a settlement to the general plan which should be adopted for the Staff of the army.

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 343, and the list is on folio 347. It was referred to Mr. [Theodorick] Bland, Mr. [Hugh] Williamson, and Mr. [Benjamin] Hawkins. See *ante* March 3, *note*.

On March 14, or an approximate date, was read a letter of March 13 from the Superintendent of Finance enclosing a copy of a letter from Dr. Franklin relative to money sent by the *Washington* packet. It is in No. 137, II, folio 213.

Also on March 14, or an approximate date, was read a letter of March 14 from the Superintendent of Finance enclosing a copy of a letter received, by the *Washington* packet, from John Adams. It is in No. 137, II, folio 221.

If a settlement of all Mr. Storer's accounts, to the time he left the Quarter Master's department, for pay and depreciation is not provided for in the system for settling the accounts in the department of Quarter Master General, his case will, I think, be embraced by the resolves of the 27th February last.

He served some time as an aid de Camp to Major General Lord Stirling, although his Lordship should have appointed his Aids from the Captains or subalterns of the army, yet as that was omitted, and Mr. Storer discharged the duty, he can be settled with for his services as Aid de Camp, if Congress approve the measure, when the line of the army are settled with.¹

The committee of the week [Mr. Oliver Wolcott, Mr. Gunning Bedford and Mr. David Ramsay] report that the letter of Colonel Richard Varick of the 4th instant respecting his right to receive pay while he served as Deputy Muster Master General be referred to the Secretary at War.²

[MONDAY, MARCH 17, 1783]

The committee [consisting of Mr. Richard Peters, Mr. Nathaniel Gorham and Mr. John Collins] to whom was referred the letter from the Supreme Executive Council of Pennsylvania respecting a number of the citizens of that State who are prisoners of war with the enemy at New York, Report,

That the committee have conferred with the Agent of Marine on the subject of the citizens of Pennsylvania prisoners of war with the enemy at New York, and as it appears that measures are taken which are likely to be effectual for liberating the prisoners whose cases are particularly mentioned in the letters referred to this committee, no measures respecting them are now necessary to be taken by Congress.

That the general subject of prisoners is of a nature so complicated and so many political considerations are involved therein, that in the opinion of your committee no decided measures can at this time be taken thereupon.³

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 357. According to the indorsement it was read on this day.

² This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 149, II, folio 402. Varick's letter is on folio 399. It was read this day as the indorsement indicates.

³ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 28, folio 109. The indorsement states that it was delivered on this day and adds: "Matter of information; nothing to be done"

WAR OFFICE March 14th 1783.

SIR,

On the 31st October last I had the honor to communicate to Congress a representation from the Lieutenant Colonels Commandants of Regiments, in which they intimated their supposition, that they did not enjoy the benefits which it was intended they should derive from their rank while commanding regiments as Lieutenant Colonels Commandants.

I have since requested the Commander in Chief's opinion on the expediency of promoting the officers who hold the grade of Lieutenant Colonel Commandant to the rank of Colonel.

The enclosed extract from the General's letter in reply contains his sentiments on the subject.

In addition to the convenience of the measure I beg leave to suggest its propriety to Congress as it will remove the difficulties which have been experienced, and may hereafter result to service from an inferiority of grade on the part of Continental Commandants when acting with Colonels of Militia.

Nor will the proposed advance of rank, should Congress see fit to adopt it, be productive of any delay or inconvenience in the negotiation of exchanges.¹

The committee [consisting of Mr. Hugh Williamson, Mr. John Taylor Gilman and Mr. Richard Peters] to whom was referred a motion of Mr. [Hugh] Williamson respecting the sitting of the Court of Appeals submit the following resolve,

That the Judges of the Court of Appeals be instructed to hold a court annually at Philadelphia on the first Monday in May, at Hartford on the first Monday in August, at Richmond on the first Monday in November, and at such other intermediate places and times as they may find most convenient and necessary for the dispatch of business.²

The committee of the week [Mr. Oliver Wolcott, Mr. Gunning Bedford and Mr. David Ramsay] report that the claim of Charles Hicks for pay while he labored in the Department of the Commissary of Military Stores, being grounded on the same principles as other

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 351. The indorsement states that it was referred on this day to Mr. [Alexander] Hamilton, Mr. [James] Madison, and Mr. [Richard] Peters. According to the record in Committee Book No. 191, a report was delivered March 18 and acted upon November 1.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 29, folio 397. The indorsement shows that it was delivered on this day and read, and ordered to be filed.

creditors no special provision is necessary to be made on his account, ~~and that therefore his petition ought to be dismissed,~~ and that his claims are therefore to be adjusted and satisfied in common with other creditors.¹

Ordered, That a memorial of Thomas Liston stating his distressed situation be referred to the Superintendent of Finance to report.²

TUESDAY, MARCH 18, 1783

On the report of a committee, consisting of Mr. [John Taylor] Gilman, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [John Francis] Mercer, to whom was referred a letter of 12, from the Commander in Chief:

Ordered, That the Superintendant of finance lay before Congress an account of the payments made to the army, in consequence of the resolution of the 25 day of January last, and what sums the state of the public finances will enable him to pay to the army at present; [and also that he com-

¹ This report, in the writing of Oliver Wolcott and undated, is in the *Papers of the Continental Congress*, No. 42, III, folio 450, and is indorsed on Hicks's petition, which is dated March 5, 1783, and is on folio 449.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On March 17 was read a letter of the 11th March from the Secretary at War, enclosing a letter from Major General Knox, which was referred to the Secretary at War to report. It is in the *Papers of the Continental Congress*, No. 149, II, folio 339, and Knox's letter is on folio 335.

On this day, as the indorsement states, was read a letter of March 12 from General Washington. It is in No. 152, XI, folio 105, and is printed in the *Writings of Washington* (Ford) X, 168. It was referred to Mr. [John Taylor] Gilman, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [John Francis] Mercer. According to the record in Committee Book No. 186 this committee was discharged March 22, and the letter referred to a committee appointed that day to consider Washington's letter of March 18. See *post*, April 29.

On this day, as the indorsement indicates, was read a letter of February 12, from John Lowell, accepting under a proviso the office of Judge of the Court of Appeals. It is in No. 78, XIV, folio 531.

On this, or an approximate date, was read a memorial from Major de Villefranche, asking for promotion to be Lieutenant Colonel. It is dated Philadelphia, March 13th, 1783, and is in No. 41, X, folio 281.

municate to Congress what steps have been taken towards settling the accounts of the army since the said resolution]¹

The committee consisting of Mr. [Nathaniel] Gorham, Mr. [John] Collins, and Mr. [Thomas] Fitzsimmons, to whom was referred a memorial of the inhabitants of Nantucket, reported the draught of an ordinance, which was read a first time:

The committee appointed to consider the petition of Samuel Starbuck and William Rotch in behalf of themselves and the other inhabitants of the Island of Nantucket, have attended that service and find that the inhabitants of Nantucket have been and still continue in a very distressed state, owing to the destruction of their whale fishery. That the enemy at New York being sensible of their distresses and of the defenceless situation of said island, have been induced to grant protections to a certain number of vessels belonging to said Island, to prosecute said fishery, ~~which, considering the circumstances of said inhabitants, your committee cannot think was unjustifiable;~~ but it having been doubtful whether said protections will not operate to the condemnation of vessels found with them on board, your committee beg leave to submit the following resolve:

Resolved, That the inhabitants of the Island of Nantucket in the Commonwealth of Massachusetts in consideration of the great distresses into which they are involved in consequence of the loss of the whale fishery be permitted to receive protections from the Commanding Officer of his Britannick Majesty's ships in North America for their vessels in the prosecution of said fishery and said protections shall not operate to the condemnation of said vessels in any of the Courts of Admiralty within the United States aforesaid; provided that every vessel furnished with said protection be provided with a Certificate from the Selectmen of said Island that she is bona fide the property of the inhabitants of said Island; and provided further that nothing be found on board her but the necessary whaling utensils, provisions for the voyage and the product of the fish taken therein, anything in the ordinance of against double papers to the contrary notwithstanding.²

Ordered, That it be read a second time to-morrow.

¹ This report, in the writing of John Taylor Gilman, the part in brackets being in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 419.

² This report, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 41, VII, folio 95.

The committee consisting of Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Thomas] Fitzsimmons and Mr. [John] Rutledge, "appointed to consider the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States," having brought in a report; and the same being under consideration,

Resolved, That it be recommended to the several states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest in the United States in Congress assembled, a power to levy for the use of the United States, the following duties upon goods imported into the said states from any foreign port, island or plantation.

Upon all rum of Jamaica proof, per gallon,	4/90
Upon all other spirituous liquors,	3/90
Upon Madeira wine,	12/90
Upon the wines of Lisbon, Oporto, those called Sherry, and upon all French wines	6/90
Upon the wines called Malaga or Teneriffe,	5/90
Upon all other wines,	4/90
Upon common bohea tea per pound,	6/90
Upon all other teas,	24/90
Upon pepper per pound,	3/90
Upon brown sugar per pound,	$\frac{1}{2}$ /90
Upon loaf sugar,	2/90
Upon all other sugars,	1/90
Upon molasses per gallon,	1/90
Upon cocoa and coffee per pound,	1/90
Upon salt, after the present war, per bushel,	1/8 of a dollar.

Upon all other goods except arms, ammunition and cloathing or other articles imported for the United States, a duty of five per cent. ad valorem, provided that there be allowed a bounty of 1/8th of a dollar for every quintal of dried fish exported out of these United States and a like sum for every barrel of pickled fish, beef or pork to be paid or allowed to the exporters thereof at the port from which they shall be exported.

Provided that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, agreeably to the resolution of the

16th day of December last, nor be continued for a longer term than twenty-five years; and provided that the collectors of the said duties, shall be appointed by the States within which their offices are to be exercised, but when so appointed, shall be amenable to and removable by the United States in Congress assembled, alone; and in case any State shall not make each appointment within one month after notice given for that purpose, the appointment may then be made by the United States in Congress assembled.

That it be further recommended to the several states, to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts, which shall have been contracted on the faith of the United States, for supporting the present war, substantial and effectual revenues of such nature as they may judge most convenient for supplying their respective proportions of one million five hundred thousand dollars annually which proportion shall be fixed and equalized from time to time, according to the rule which is or may be prescribed by the Articles of Confederation; and in case the revenues established by any State, shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it; and in case the revenues of any State shall be found to be deficient, the immediate deficiency shall be made up by such State with as little delay as possible, and a future deficiency guarded against, by an enlargement of the revenues established; provided that until the rule of the Confederation can be carried into practice, the proportions of the said 1,500,000 of dollars shall be as follows, viz.¹

New Hampshire -	-	-	-	52, 708
Massachusetts -	-	-	-	224, 427
Rhode Island -	-	-	-	32, 318
Connecticut -	-	-	-	132, 091
New York -	-	-	-	128, 243
New Jersey -	-	-	-	83, 358
Pennsylvania -	-	-	-	205, 189
Delaware -	-	-	-	22, 443
Maryland -	-	-	-	141, 517
Virginia -	-	-	-	256, 487
North Carolina -	-	-	-	109, 006
South Carolina -	-	-	-	96, 183
Georgia -	-	-	-	16, 030

¹ This paragraph, in the writing of James Madison, is indorsed upon a printed copy of the report, in the *Papers of the Continental Congress*, No. 26, folio 412. The amount is stated as two millions.

The said revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected:

That an annual account of the proceeds and application of the aforementioned revenues shall be made out and transmitted to the several states, distinguishing the proceeds of each of the specified articles and the amount of the whole revenue received from each State, together with the allowances made to the several officers employed in the collection of the said revenues.¹

That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State, after which unanimous accession, however, they shall be considered as forming a mutual compact among all the states, and shall be irrevocable by any one or more of them without the concurrence of the whole or of a majority of the United States in Congress assembled.

That as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th September and 10th October, 1780, relative to territorial officers, to make the liberal cessions therein recommended, and to the states which may have passed acts, complying with the said resolutions in part only, to revise and compleat such compliance.

¹ The following extract of a report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 26, folio 427. The indorsement states that on March 21, it was recommitted to Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Thomas] FitzSimons, and Mr. [John] Rutledge.

"Extract of Report of a Committee appointed to consider the means of restoring and supporting public credit &c.

That it be further recommended to the several States, to establish for a like term, not exceeding twenty five years, and to appropriate to the discharge of the interest and principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, substantial and effectnal revenues of such nature as they may respectively judge most convenient, to the amount of two millions Dollars annually and in the proportions following, viz.

The said Revenues to be collected by persons appointed as aforesaid but to be carried to the separate credit of the States within which they shall be collected, and be liquidated and adjusted among the States according to the Quotas which may from time to time be allotted to them according to such rule as is or may be prescribed by the Articles of Confederation.

That an annual account of the proceeds and application of the aforementioned revenues, shall be made out and transmitted to the several States, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State."

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the States respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states, be, and the several states are advised to authorize their respective delegates to subscribe and ratify the same as part of the said instrument of Union in the words following, to wit:

So much of the eighth of the Articles of Confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit.

"All charges of war and all other expences that shall be incurred for the common defence or general welfare and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several states in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress Assembled shall, from time to time, direct and appoint," is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States that "All charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress Assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State, which numbers shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.¹

A motion was made by Mr. [James] Wilson, seconded by Mr. [Alexander] Hamilton, to add thereto as follows: "also a tax of one quarter of a dollar per hundred acres on all located and surveyed land within each of the states:"

¹ This report, in form of a printed copy, is in the *Papers of the Continental Congress*, No. 26, folio 415. The first three paragraphs in the writing of Thomas FitzSimons are on folio 423. They were also indorsed by Elias Boudinot on the back of a copy of the first printed report, folio 412; and by Thomson in the margin of another copy of the first printed report, on folio 411.

And on the question to agree to the motion, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Gilman,	no	Mr. McComb,	ay
White,	no	Bedford,	ay
<i>Massachusetts,</i>		<i>Maryland,</i>	
Mr. Holten,	no	Mr. T. S. Lee,	no
Osgood,	ay	Hemsley,	no
Higginson,	no	<i>Virginia,</i>	
<i>Rhode Island,</i>		Mr. Jones,	no
Mr. Collins,	ay	Madison,	no
Arnold,	no	Bland,	no
<i>Connecticut,</i>		A. Lee,	no
Mr. Wolcott,	no	Mercer,	no
Dyer,	ay	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Hawkins,	no
Mr. Floyd,	ay	Williamson,	no
Hamilton,	ay	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Rutledge,	no
Mr. Boudinot,	ay	Izard,	no
Clark,	no	Gervais,	no
Condict,	ay		
<i>Pennsylvania,</i>			
Mr. Fitzsimmons,	ay		
Wilson,	ay		
Montgomery,	ay		

So it passed in the negative.

[Report of Mr. Alexander Hamilton, Mr. Richard Peters, and Mr. Samuel Osgood on the Memorial of Thomas Wiggans]

The committee submit the following resolution:

Resolved, That Thomas Wiggans be referred to the Quarter Master General to be employed in his department in such station as he shall judge him qualified for.¹

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 41, X, folio 600. The indorsement states that it was read on this day. Wiggans's memorial is on folio 597, and the report is indorsed on it.

WEDNESDAY, MARCH 19, 1783

According to the order of the day, the Ordinance on the memorial of the inhabitants of Nantucket, was read a second time:

Ordered, That to-morrow be assigned for the third reading.

[Motion of Mr. Richard Peters, March 19, 1783.]

That the Secretary for foreign affairs be directed to inform the Ministers plenipo of the U. S. for negotiating, &c., that Congress having a high sense of the Abilities and Integrity of the said Ministers have no Doubt of their having the best Intentions in agreeing to the separate Article contained in the Preliminary Treaty with Great Britain. But as, however well intended, it may have consequences ~~more prejudicial than advantageous~~ to the good faith and true political interests of these States which can only be supported by an inviolable Adherence to the solemn Engagements made with our Allies and evidenced by the most sincere and open communication of every Transaction relating to the Negotiations with our common Enemy, Congress instruct and direct the said Ministers Plenipo to communicate the said separate Article to the proper Minister at the Court of France, in such manner as they shall deem ~~proper~~ expedient, and that the said Ministers plenipo be further informed that Congress are willing to agree to the Southern Boundary as established in the said separate Article, let the Territory or Country of W. Florida at the Conclusion of a general Peace fall into whatsoever hands it may.¹

[Mr. Hugh Williamson's motion, March 19, 1783.]

That our ministers be informed that Congress are sorry to observe that any Circumstances have induced them to enter into any separate Article or Treaty with the Enemy which is ~~to be~~ considered as secret. The Subject of that Article does not appear to Congress of such Importance as to risque the confidence of a great and good ally, much less to induce Suspicions of the Want of Faith. Uninformed as Congress are of the Circumstances which gave Origin to this Article, they cannot give any explicit Instructions on the Subject, but they hope that the Instructions they have formerly given, and the Obvious confidence that should be put in a faithful Friend rather than in a vindictive Enemy will point out to their ministers what steps should

¹ This motion, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 25, II, folio 285. The indorsement shows that it was made on this day. See *post*, October 21.

be taken on this and every other Subject that may claim their attention.¹

[Mr. Alexander Hamilton's motion March 19, 1783.]

Resolved, That as Congress are desirous of ~~maintaining~~ manifesting at all times the most perfect confidence in their ally, the Secretary for foreign affairs be directed to communicate to the Minister P. from the Court of France to these States the separate article of the provisional treaty between the United States and His Britannic Majesty and that he inform the Commissioners from these States for making peace of the reasons for that ~~connection~~ communication, repeating to them the desire of Congress, that they will upon all occasions maintain perfect harmony and confidence with ~~any~~ an ally to whose generous assistance the United States are so signally indebted.

Resolved, That Congress entertain a high sense of the services of their Commissioners, in their steady attention to the dignity and essential interests of the United States, and in obtaining from the Court of Great Britain articles so favourable and so important to those interests.²

The committee of the week, [Mr. William Floyd, Mr. John Montgomery, Mr. Eleazer McComb] report That the memorial of Simon Metcalf (setting forth the great advantages that would result to commerce if, on the conclusion of a peace, a free navigation from Lake Champlain thro the river St. Lawrence, and the free use of the waters of the Grand river and the River de François, could be obtained,) be referred to a special committee.³

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 287. The indorsement shows that it was made on this day. See *post*, October 21.

² This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 25, II, folio 289. The indorsement shows that it was made on this day. See *post*, October 21.

³ This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 32, folio 459. The indorsement states that it was passed on this day. Metcalf's memorial is in No. 41, VI, folio 299. The indorsement shows that it was referred to Mr. [William] Floyd, Mr. [Theodorick] Bland, and Mr. [Eleazor] McComb.

On this day, as the indorsement indicates, was read a letter of March 17th from the Superintendent of Finance enclosing a letter of Dr. Franklin and translation of a letter from the Chevalier de la Luzerne relative to pecuniary aid. It was referred to Mr. [John] Rutledge, Mr. [Hugh] Williamson, Mr. [Nathaniel] Gorham, Mr. [Oliver] Wolcott, and Mr. [Abraham] Clark. It is in No. 137, II, folio 228. Committee Book, No. 186, says the committee was discharged April 23, 1783.

Also a letter of March 19th from the Superintendent of Finance with copy of letter of instructions to the Paymaster General. It is in No. 137, II, folio 245. It was

THURSDAY, MARCH 20, 1783

On the third reading of the Ordinance on the memorial of the inhabitants of Nantucket:

Ordered, That it be re-committed.

The report of the committee, appointed to consider the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, being under debate, and being in the words following, to wit:¹

Resolved, That it be recommended to the several states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest in the United States in Congress assembled, a power to levy for the use of the United States, the following duties upon goods imported into the said states from any foreign port, island or plantation:

Upon all rum of Jamaica proof per gallon, - - 4-90	Upon all other teas, - - 24-90
Upon all other spirituous liquors, - - - 3-90	Upon pepper per pound, - 3-90
Upon Madeira wine, - - 12-90	Upon brown sugar per pound, - - - - ½-90
Upon wines of Lisbon, Oporto, those called	Upon loaf sugar - - - 2-90
Sherry, and upon all French wines, - - - 6-90	Upon all other sugars, - 1-90
Upon wines called Malaga or Teneriffe, - - - 5-90	Upon molasses per gallon, - 1-90
Upon all other wines, - 4-90	Upon cocoa and coffee per pound, - - - - 1-90
Upon common bohea tea per lb., - - - - 6-90	Upon salt, after the present war, 1-8th of a dollar per bushel.

“And upon all other goods, except arms, ammunition and cloathing, or other articles imported for the United States,

referred to Mr. [John] Taylor Gilman, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [John Francis] Mercer. On April 28, according to the entry in Committee Book No. 186, Mr. [Hugh] Williamson was appointed on the committee in place of Gilman, and the committee was discharged May 9.

¹ From this point, the entries in the Journal are by George Bond.

a duty of five per cent. *ad valorem*; provided that there be allowed a bounty of 1-8th of a dollar for every quintal of dried fish exported out of these United States, and a like sum for every barrel of pickled fish, beef or pork, to be paid or allowed to the exporters thereof, at the ports from which they shall be so exported:

“Provided, that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, nor be continued for a longer term than twenty-five years: and provided, that the collectors of the said duties shall be appointed by the states, within which their offices are to be respectively exercised, but when so appointed, shall be amenable to, and removable by the United States in Congress assembled, alone, and in case any State shall not make such appointment within after notice given for that purpose, the appointment may then be made by the United States in Congress assembled:

“That it be further recommended to the several states, to establish for a like term, not exceeding twenty-five years, and to appropriate to the discharge of the interest and principal of the debts which shall have been contracted on the faith of the United States, for supporting the present war, substantial and effectual revenues, of such nature as they may respectively judge most convenient, to the amount of and in the proportions following, viz.

“The said revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected, and be liquidated and adjusted among the states, according to the quotas which may, from time to time, be allotted to them:

“That an annual account of the proceeds and application of the aforementioned revenues, shall be made out and transmitted to the several states, distinguishing the proceeds of

each of the specified articles, and the amount of the whole revenue received from each State.

“That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State; after which unanimous accession, however, they shall be considered as forming a mutual compact among all the states, and shall be irrevocable by any one or more of them, without the concurrence of the whole, or of a majority of the United States in Congress assembled:

“That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and the 10th of October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance:

“That in order to remove all objections against a retrospective application of the constitutional rule, of proportioning to the several states the charges and expences which shall have been supplied for the common defence or general welfare, it be recommended to them to enable Congress to make such equitable exceptions and abatements as the particular circumstances of the states, from time to time, during the war, may be found to require:

“That conformably to the liberal principles on which these recommendations are founded, and with a view to a more amicable, complete adjustment of all accounts between the United States and individual states, all reasonable expences which shall have been incurred by the states without the sanction of Congress, in their defence against, or attacks upon British or savage enemies, either by sea or by land, and which shall be supported by satisfactory proofs, shall be considered as part of the common charges incident to the present war, and be allowed as such:

“That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively, to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states be, and the same is hereby agreed to in Congress, and the several states are advised to authorise their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the words following, to wit:

“Somuch of the eighth of the Articles of Confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit: ‘All charges of war,’ &c. (to the end of the paragraph) is hereby revoked and made void, and in place thereof, it is declared and concluded, the same having been agreed to in a Congress of the United States, that all charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the number of inhabitants of every age, sex and condition, except Indians, not paying taxes, in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint; provided always, that in such numeration no persons shall be included who are bound to servitude for life, according to the laws of the State to which they belong, other than such as may be between the ages of .”

A motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [James] Wilson, “that the report of the committee be postponed, in order to take up the following plan and recommendation:

“Whereas Congress did, on the 12th day of February last, resolve, ‘that it is the opinion of Congress, that the establishment of permanent and adequate funds, on taxes or duties which shall operate generally and on the whole in just proportions throughout the United States, are indispensably necessary towards doing complete justice to the public cred-

itors, for restoring public credit, and for providing for the future exigencies of the war.'

"And whereas it is the duty of Congress, on whose faith the public debts have been contracted for the common safety, to make every effort in their power for the effectual attainment of objects so essential to the honor and welfare of the United States, relying on the wisdom and justice of their constituents for a compliance with their recommendations; therefore,

"*Resolved*, That it be earnestly recommended to the several states, without delay, to pass laws for the establishment of the following funds to be vested in the United States, and to be collected and appropriated by their authority; provided that the officers for the collection of the said funds, shall be inhabitants of each State respectively in which they reside, and being nominated by Congress, shall be approved and appointed by such State, accountable to and removable by Congress; and provided that if after any nomination being reported to the State, the same is not approved or rejected at the next meeting of the legislature, the person or persons so nominated shall be deemed to be duly appointed, to wit:

~~A duty of 5 p cent ad valorem upon all goods imported from any foreign country into any part of these States, the following articles excepted which shall pay duty according to the rate hereafter specified.~~

"A duty of five per cent. ad valorem at the time and place of importation, upon all goods, wares and merchandises of foreign growth and manufactures, which may be imported into any of the said states from any foreign port, island or plantation, except arms, ammunition, cloathing and other articles imported on account of the United States or any of them; and except wool cards, cotton cards and wire for making them; and also except the articles hereafter enumerated, the duty on which shall be regulated according to the specified rates thereunto annexed.

All rum of Jamaica proof per gallon, - - - 4-90

[The specifics mentioned in the report to be inserted]

“Also a duty of five per cent. ad valorem on all prizes and prize goods condemned in the court of admiralty of any of these states as lawful prize:

“A land tax at the rate of ~~half a dollar~~ ninetieths of a dollar for every one hundred acres of located and surveyed land:

“A house tax at the general rate of half a dollar for each dwelling-house (cottages excepted) and at the additional rate of two and a half per cent. on whatever sum the rent of the said house may exceed twenty dollars, to be calculated on the actual rent, when the house is rented, and when in the occupancy of the owner, on an appraised rent by commissioners under oath, appointed by the state once in ~~seven~~ years; the lot and the appurtenances in towns, and in the country, the out houses, garden and orchard, to be comprehended with the dwelling house. The duties on imports to pass to the general benefit of the United States, without credit for the proceeds to any particular states; but the product of the land and house taxes to be credited to each State in which they shall arise. The said funds to continue till the principal of the debt due by the United States at the termination of the present war shall be finally discharged.

“That an estimate be transmitted to each State of the amount of the public debt as far as the same can be ascertained; and that Congress will inviolably adhere to their resolutions of the 16th day of December last, respecting the appropriation of any funds which may be granted, and the annual transmission of the state of the public debt, and the proceeds and disposition of the said funds; by which all doubts and apprehensions, respecting the perpetuity of the public debt, may be effectually removed:

“That none of the preceding resolutions shall take effect. &c. (in the words of the report, to the end.)”

~~Resolved, That a committee be appointed to prepare an ordinance agreeable to the tenor of these resolutions with such additional provisions as may be found necessary to determine in the most explicit and precise manner the nature and extent of the said funds and of the powers to be vested in the United States for the collection and appropriation thereof, and that the said ordinance be transmitted to the several States with a recommendation that the same be incorporated with their acts.~~

~~Resolved, That in case any of the States shall refuse to concur in the plan recommended by the preceding resolutions, it will become indispensable for Congress to require of the several States in payment at short periods sums necessary for the discharge of the principal of the public debt, in the proportions agreeable to the 5th Article of the Confederation.¹~~

And on the question for postponing, the yeas and nays being required by Mr. [Alexander] Hamilton,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Gilman,	no	Mr. Fitzsimmons,	no
White,	no	Wilson,	ay
<i>Massachusetts,</i>		Montgomery,	ay
Mr. Holten,	ay	Peters,	ay
Osgood,	no	<i>Delaware,</i>	
Gorham,	no	Mr. McComb,	ay
Higginson,	no	Bedford,	no
<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Collins,	no	Mr. Lee,	no
Arnold,	no	Hemsley,	no
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Wolcott,	ay	Mr. Madison,	no
Dyer,	ay	Bland,	ay
<i>New York,</i>		Lee,	no
Mr. Floyd,	ay	Mercer,	no
Hamilton,	ay	<i>North Carolina,</i>	
<i>New Jersey,</i>		Mr. Hawkins,	no
Mr. Boudinot,	ay	Williamson,	no
Clark,	ay	<i>South Carolina,</i>	
Condict,	ay	Mr. Rutledge,	ay
		Izard,	no
		Gervais,	no

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, IV, folio 75.

So it passed in the negative.¹

On the memorial of the Officers of the Army of the United States of America of the Lines of Massachusetts, Connecticut, New York, New Jersey,

Addressed to Congress in their behalf by their several agents or Committees and preferred by the Honorable McDougal, wherein among other matters is represented that the Memorialists regard the Act of Congress respecting half pay as an honorable and just recompense for several years hard service; but that they are at the same time apprehensive of the odious point of view in which the citizens of many of the states hold those resolves for half pay for life, yet at the same time they hope there is none who would wish to deny the justice of the reward, and that the objections rise only from the mode, &c., and therefore to prevent altercations and distinctions which may tend to injure the harmony which they ardently desire may reign throughout the community they by their agents aforesaid represent to Congress that they (in behalf of the several lines aforesaid) are willing to commute the half pay pledged as aforesaid for full pay for a certain number of years, or for a sum in gross as shall be agreed to by the Committee aforesaid sent with their address.

Congress having taken into consideration the subject matter of this Memorial, and on that part which relates to the proposed commutation of the half pay for life (which Congress esteem to have been secured to the officers of the Army by the aforesaid resolutions, and to the just performance of which they look upon the United States to be bound and obliged) yet nevertheless on the application of the several lines aforesaid by their Committee authorised by them for that purpose, and to agree to such a commutation as they shall judge fit and best, and in consideration that such commutation may tend to promote harmony among the United States and conciliate those who have expressed their dissatisfaction to the mode establishing half pay for life, and having considered the state of the officers of the Army, with respect to their various ages and situations are of opinion that an allowance of full pay for the term of five years after the close of the war, and the time of their release or discharge may be on an average an equal compensation for their half pay for life.

Whereupon it is Resolved, That the officers of the several lines represented in said Memorial be and they are hereby severally and

¹ Here Charles Thomson resumes the entries in the Journal.

respectively entitled to have paid or secured to them on interest full pay for five years next ensuing after the end of the war, or the time of their discharge, in lieu and in full satisfaction of the half pay for life, heretofore engaged by the resolutions of Congress; provided that the Committee of the several lines aforesaid shall signify and express their approbation thereof and consent and agreement thereto in behalf of the officers of the several lines aforesaid they represent, and thereupon the commutation aforesaid shall be deemed firm and valid and conclusive to the officers of the several lines aforesaid.

And it is further Resolved, That all such deranged or retired officers, who are by former resolves of Congress entitled to half pay for life, shall in lieu thereof be entitled to five years full pay or security therefor or interest for the term of five years to commence from and after /

Provided the same be agreed to by the several lines, or by their agents or committees from the respective lines of such deranged officers aforesaid empowered and authorised thereto certified to Congress as aforesaid and which shall be binding on the several lines agreeing thereto as aforesaid, and that the accounts and demands of such deranged officers be adjusted settled and securities given accordingly.

And it is further Resolved, That all other lines in the army of the United States entitled to half pay for life as aforesaid, either those who are or shall remain in actual service during the war, or deranged as aforesaid shall and may be entitled to the same commutation of five years whole pay according to the true intent and meaning of the foregoing resolutions, provided they agree to the same in their several lines certified to Congress by their respective commanding officers, Committees or Agents for that purpose authorised and empowered, on or before the /¹

The committee of the week [Mr. William Floyd, Mr. John Montgomery, Mr. Eleazer McComb] report that the memorial of Dorsey Pentecost respecting the pay and subsistence of a company of Militia Rangers employed in the protection of the Western frontiers be referred to the Superintendent of Finance.²

¹ This motion, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 21, folio 327. The indorsement states that it was offered on this day, seconded by Mr. Bland, and "referred to Mr. [Alexander] Hamilton, Mr. [Eliphalet] Dyer and Mr. [Gunning] Bedford, together with the memorial from the Officers and report of the committee thereon."

² This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 32, folio 467. The indorsement states that it was passed on this day.

The Superintendant of Finance to whom was referred the Memorial of Thomas Liston begs leave to report,

That the claim of the Memorialist for pay due to him appears to be just and that in common with all others having such claims upon the United States he ought to be paid. But that there are no funds for the purpose.

That any partial payment to officers of the army would be attended with dangerous consequences because the demands of all are equally just altho they are not all in the same necessitous situation. And therefore,

That altho the Memorialist appears to be in very distressing circumstances which is unfortunately the case with many others, and altho he only asks a part of what is due to him, yet the prayer of his memorial cannot be complied with. All of which is humbly submitted.

18 March, 1783.¹

FRIDAY, MARCH 21, 1783

Congress resumed the consideration of the report of the committee on the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, and three paragraphs of the report, beginning with the words "that it be further recommended" to the words "whole revenue received from each State" inclusively, being re-committed;

~~A motion was made by Mr. Gilman, seconded by Mr. Wolcott,~~

~~That the whole report be recommitted; and, on the question for recommitment, the yeas and nays being required by Mr. Bland,~~

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 241. According to the indorsement it was read on this day.

On this day, according to the indorsement, was read a letter of March 19 from the Supreme Executive Council of Pennsylvania to the Delegates of that State in Congress, asking that the American commissioners be instructed to arrange for reasonable time to pay British creditors. It was referred to Mr. [Samuel] Osgood, Mr. [John Francis] Mercer and Mr. [Thomas] FitzSimons. It is in the *Papers of the Continental Congress*, No. 69, II, folio 425.

Also a representation of the General Assembly of Virginia of December 17, 1782, objecting to restitution of property, which was referred to the same committee. It is on folio 429.

Also a letter of March 16 from General Washington. It is in No. 152, XI, folio 127.

New Hampshire,			Pennsylvania,		
Mr. Gilman,	ay	} div.	Mr. Fitzsimmons,	no	} no
White,	no		Wilson,	no	
Massachusetts,			Montgomery,	no	
Mr. Holten,	no	} ay	Peters,	no	
Osgood,	ay		Delaware,		
Gorham,	ay		Mr. McComb,	no	} no
Higginson,	ay		Bedford,	no	
Rhode Island,			Maryland,		
Mr. Collins,	ay	} ay	Mr. T. S. Lee,	no	} no
Arnold,	ay		Hemsley,	no	
Connecticut,			Virginia,		
Mr. Wolcott,	ay	} ay	Mr. Madison,	no	} no
Dyer,	ay		Bland,	no	
New York,			A. Lee,	no	
Mr. Floyd,	no	} no	Mercer,	ay	
Hamilton,	no		North Carolina,		
New Jersey,			Mr. Hawkins,	no	} no
Mr. Boudinot,	no	} no	Williamson,	no	
Clark,	no		South Carolina,		
Condict,	no		Mr. Rutledge,	no	} no
			Izard,	no	
			Gervais,	no	

So it passed in the negative.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Theodorick] Bland,

That Congress now take up and complete that part of the report for supporting and establishing public credit, which relates to the raising a revenue by imposts upon imported goods and merchandise:

And on the question to agree to this, the yeas and nays being required by Mr. [Theodorick] Bland,

New Hampshire,			Rhode Island,		
Mr. Gilman,	ay	} div.	Mr. Arnold,	no	} *
White,	no		Connecticut,		
Massachusetts,			Mr. Wolcott,	no	} no
Mr. Holten,	ay	} no	Dyer,	no	
Osgood,	no		New York,		
Gorham,	no		Mr. Floyd,	no	} no
Higginson,	no		Hamilton,	no	

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	no	} ay	Mr. Madison,	no	} div.
Clark,	ay		Bland,	ay	
Condict,	ay		A. Lee,	ay	
<i>Pennsylvania,</i>			Mercer,	no	
Mr. Fitzsimmons,	no	} no	<i>North Carolina,</i>		
Wilson,	no		Mr. Hawkins,	ay	} div.
Montgomery,	no		Williamson,	no	
Peters,	no		<i>South Carolina,</i>		
<i>Delaware,</i>			Mr. Rutledge,	no	} no
Mr. McComb,	ay	} ay	Izard,	no	
Bedford,	ay		Gervais,	no	
<i>Maryland,</i>					
Mr. T. S. Lee,	no	} no			
Hemsley,	no				

So it passed in the negative.

WAR OFFICE, *March 21st, 1783.*

SIR,

The letter from Major General Knox which respects the officers and men of the Artificers referred to me, is so expressive of the merits of the officers, and the justice of their claims to commissions with the officers of the line, that I am persuaded of the propriety of the following draught of a resolve in their favour, which I beg leave to submit to the consideration of Congress:

Resolved, That commissions conferring rank from the dates of their appointments, issue to the officers of the Artillery Artificers now in service.

The resolve of Congress on the 19th December 1782 provides for that part of General Knox's letter which relates to the pay of the men.¹

SATURDAY, MARCH 22, 1783

The committee, consisting of Mr. [Nathaniel] Gorham, Mr. [John] Collins and Mr. [Thomas] Fitzsimmons, to whom was re-committed the Ordinance on the memorial from the inhab-

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 361. According to the indorsoment it was read on this day and entered.

itants of Nantucket, reported the draught of a passport, which was read and agreed to.

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [Eliphalet] Dyer and Mr. [Gunning] Bedford, to whom was referred a motion of Mr. [Eliphalet] Dyer, together with the memorial of the officers of the army, and the report of the committee thereon; Congress came to the following resolutions:

Whereas the officers of the several lines under the immediate command of his Excellency General Washington, did, by their late memorial transmitted by their committee, represent to Congress, that the half-pay granted by sundry resolutions, was regarded in an unfavourable light by the citizens of some of these states, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life; and did, on that account, solicit a commutation of their half pay for an equivalent in one of the two modes above-mentioned, in order to remove all subject of dissatisfaction from the minds of their fellow-citizens: and whereas Congress are desirous, as well of gratifying the reasonable expectations of the officers of the army, as of removing all objections which may exist in any part of the United States, to the principle of the half pay establishment, for which the faith of the United States hath been pledged; persuaded that those objections can only arise from the nature of the compensation, not from any indisposition to compensate those whose services, sacrifices and sufferings, have so just a ~~claim~~ title to the approbation and rewards of their country:

Therefore, *Resolved*, That such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years' full pay in money, or securities on interest at six per cent. per annum, as Congress shall find most convenient, instead of the half pay promised for life, by the resolution of the 21 day of Octo-

ber, 1780; the said securities to be such as shall be given to other creditors of the United States, provided that it be at the option of the lines of the respective states, and not of officers individually in those lines, to accept or refuse the same; and provided also, that their election shall be signified to Congress through the Commander in Chief, from the lines under his immediate command, within ~~one month~~ two months, and through the commanding officer of the southern army, from those under his command, within ~~three~~ six months from the date of this resolution:

That the same commutation shall extend to the corps not belonging to the lines of particular states, [and who are entitled to half pay for life as aforesaid]; the acceptance or refusal to be determined by corps, and to be signified in the same manner, and within the same time as abovementioned:

That all officers belonging to the hospital department, who are entitled to half pay by the resolution of the 17th day of January, 1781, may collectively agree to accept or refuse the aforesaid commutation, signifying the same through the Commander in Chief within six months from this time: that ~~the deranged~~ such officers ~~who~~ as have retired at different periods, entitled to half pay for life, ~~shall be entitled to the same commutation~~ may collectively, in each State of which they are inhabitants, accept or refuse the same; their acceptance or refusal to be signified by agents authorised for that purpose, within six months from this period; that with respect to ~~the deranged officers who have retired on half pay for life~~ such retiring officers, the commutation, if accepted by them, shall be in lieu of whatever may be now due to them since the time of their retiring from service, as well as of what might hereafter become due; and that so soon as their acceptance shall be signified, the Superintendant of finance be, and he is hereby directed to take measures for the settlement of their accounts accordingly, and to issue to them cer-

tificates bearing interest at six per cent ~~for what shall be found due to them~~. That all officers entitled to half pay for life not included in the preceding resolution, may also collectively agree to accept or refuse the aforesaid commutation, signifying the same ~~by their agents authorised for that purpose~~ within six months from this time.¹

[Motion of Mr. Oliver Wolcott, seconded by Mr. Jonathan Arnold]

Whereas an application has been made by a committee of officers from the army, requesting the United States in Congress Assembled, that a composition should be made for the half pay of such officers as shall be entitled thereto for life, after the expiration of the present war.

And whereas it is the opinion of Congress that five years full pay would be on an average an adequate compensation for the half pay of such officers, as are by sundry acts of Congress entitled thereto as aforesaid.

And whereas it would probably be a matter of convenience to some of the States to settle and discharge the half pay due to the officers of their respective lines, which if it should be effected by them, might prevent those demands upon the funds of the United States which otherwise it would probably be difficult to discharge, it is, therefore,

Resolved, that any State which shall by composition or other satisfactory security settle with the officers of their line, including those who have retired or been deranged therefrom, and who are by acts of Congress entitled to half pay for life after the expiration of the present war, such State shall not be holden to contribute anything on account of said half pay or any composition therefor, to the officers of any other line, excepting only to the line of any State which shall be disabled by the events of the war from making composition or settlement as aforesaid.²

On the question to agree to the foregoing act, the yeas and nays being required by Mr. [Silas] Condict,

¹ This report, in the writing of Alexander Hamilton, except the words in brackets, which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 21, folios 315 and 332. The vote was transcribed by Thomson on the report.

² This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 21, folio 331. It is indorsed: "Motion of Mr. Wolcott seconded by Mr. Arnold to postpone the report of the committee on a commutation to the army for their half pay and to take into consideration"

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	no	} no	Mr. McComb,	ay	} ay
White,	no		Bedford,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Holten,	ay	} ay	Mr. T. S. Lee,	ay	} ay
Osgood,	ay		Hemsley,	ay	
Gorham,	ay		<i>Virginia,</i>		
Higginson,	ay		Mr. Madison,	ay	} ay
<i>Rhode Island,</i>			Bland,	ay	
Mr. Arnold,	no	} *	A. Lee,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. Wolcott,	ay	} ay	<i>North Carolina,</i>		
Dyer,	ay		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
Hamilton,	ay		Mr. Rutledge,	ay	} ay
<i>New Jersey,</i>			Izard,	ay	
Mr. Boudinot,	ay	} no	Gervais,	ay	
Clark,	no				
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.¹

MONDAY, MARCH 24, 1783

A letter, of February 5, from the Marquis de la Fayette, announcing a general peace, and a copy of orders given by the Count D'Estaing, vice admiral of France, to the Chevalier Du Quesne, commander of the corvette *Triumph*, despatched

¹ On this day, according to the indorsement, was read a letter from General Washington, dated March 18, giving the result of the proceedings of the meeting of officers at Newburgh. It is in the *Papers of the Continental Congress*, No. 152, XI, folios 131-136, and is printed in the *Writings of Washington* (Ford) X, 178. According to the record in Committee Book No. 186, it was referred, March 22, together with Washington's letter of March 12, and the Proceedings of the Officers, March 15, to Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [Oliver] Wolcott, and Mr. [Richard] Peters, who delivered a report April 1. See *post*, April 29.

from Cadiz the 6 of February last, for the purpose of putting a stop to all hostilities by sea, being laid before Congress and read:

Resolved, That the agent of marine be, and he is hereby directed immediately to recall all armed vessels cruising under commissions from the United States of America.¹

WEDNESDAY, MARCH 26, 1783

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton and Mr. [Richard] Peters, to whom were referred a letter of 7, from the Commander in Chief, and a letter of 13, from Colonel Armand:

Colonel Armand having entered at an early period of the war into the army of the United States with the rank of

¹ These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs.

The Marquis de Lafayette's letter is in the *Papers of the Continental Congress*, No. 156, folio 312, and a duplicate is on folio 332.

Another letter of his, of the same date, to the Secretary for Foreign Affairs, was also read, and referred to Mr. [James] Wilson, Mr. [Samuel] Osgood, and Mr. [John] Rutledge, and the committee discharged March 26. It is on folio 316.

Another letter of the same date was also read and referred to Mr. [Hugh] Williamson, Mr. [Ralph] Izard, and Mr. [James] Wilson. It is in No. 156, folio 336.

On this day was also read a letter of February 8 from Richard Harrison at Cadiz, commending the captain of the *Triumph*. It was referred as the indorsement shows, to Mr. [Hugh] Williamson, Mr. [Ralph] Izard, and Mr. [James] Wilson, and March 26 the committee was discharged. It is in No. 78, XII, folio 263.

According to indorsements, and to the record in Committee Books 186 and 191, a letter, of January 10, from Joel Barlow, "respecting the copyrights of authors", was, on this day, referred to Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison. This letter is in No. 78, IV, folio 369. With it was an act of the General Assembly of Connecticut, of January 8, 1783, entitled "An Act for the Encouragement of Literature and Genius". This is in No. 24, folio 93. A report was delivered April 28, and acted on, May 2.

On this day, as the indorsement states, was read a letter, of March 19, from General Washington. It is in No. 152, XI, folio 175. It is printed in the *Writings of Washington* (Ford) X, 184.

Also on this day, as the indorsement states, was read a letter of March 21, from General Washington, transmitting a joint letter from Sir Guy Carleton and Admiral Robert Digby, which accompanied the treaty signed at Paris, November 30, 1782. Washington's letter is in No. 152, XI, folio 179, and a copy of the letter from Carleton and Digby is on folio 183.

colonel, and having served with distinction in that rank, so as to acquire the particular approbation of the Commander in Chief for his intelligence, zeal and bravery,

Resolved, That in consideration of the merit and services of Colonel Armand, he be promoted to the rank of brigadier general, retaining the command of his present corps.¹

On the report of a committee, consisting of Mr. [John Lewis] Gervais, Mr. [Hugh] Williamson and Mr. [Theodorick] Bland, to whom was referred a memorial of Charles Mortimer:

Resolved, That Dr. Charles Mortimer's account be settled for pay and rations on the same principle as a junior surgeon, for the term of nine months, during which he appears to have been in the public service:

That the director-general in the hospital department take order for delivering to Dr. Mortimer a quantity of medicines equal to what he has expended in the public hospital.²

The committee [Mr. Nathaniel Gorham, Mr. James Wilson and Mr. Arthur Lee] appointed to consider the letter of the 18th instant from Cyrus Griffin Esq., one of the Judges of the Court of Appeals, submit the following report:

Resolved, That a Court of Appeals be held at the city of Philadelphia the first Monday of May next, and that the Honourable Cyrus Griffin, Esq., one of the Judges of said Court, give public notice thereof.

And that the Secretary of Congress write to the Honourable George Read and John Lowel Esqrs., ~~judges of said Court~~, that it is the desire and expectation of Congress that they attend at the time and place abovementioned for the dispatch of the business of said Court.³

The committee [Mr. William Floyd, Mr. Theodorick Bland, Mr. Eleazer McComb] to whom was referred the memorial of Simon Metcalf in which he complains that there is nothing in the provisional articles of peace, that secures to these States a privilege of navigating the River Saint Lawrence,

¹This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, VI, folio 425. Armand's letter is in No. 164, folio 473.

²This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, IV, folio 445.

³This report, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 19, II, folio 533. The indorsement states that it was negatived this day. Griffin's letter is in No. 78, X, folio 401.

Report, that it lay on the table.¹

The committee of the week, [Mr. William Floyd, Mr. John Montgomery, Mr. Eleazer McComb] report,

That the memorial of John Kirk respecting a quantity of rum impressed from him, and a sum of money furnished by him for the use of the Southern Army, be referred to a special committee.

That the petition of John Menerson late a sergeant in the American Army, be referred to the Secretary at War.

That the representation of Maurice Desdevens relating to the case of those Canadians who have taken part with the United States in the present war with Great Britain, be referred to a special committee.²

WAR OFFICE, *March 24th, 1783.*

SIR,

I have the honor to lay before Congress the several returns directed in their orders of the 18th and 25th ultimo.

For their farther information I have annexed an estimate of the monthly pay, subsistence, clothing and forage for the whole army last year, and the pay of the several staff departments. The most accurate return of the half pay estimate which can at present be made is subjoined to the pay of the army.

Returns of the deranged officers, as directed by the resolves of Congress, have not heretofore been regularly made to the war office.³

¹ This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 19, IV, folio 71. It was read this day, entered and ordered to be filed, according to the indorsement.

² This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 32, folio 465. The indorsement gives it this date.

The memorial of John Kirk, dated Philadelphia, March 20, is in No. 41, V, folio 35. According to the indorsement, and the record in Committee Books No. 186 and No. 191, it was read March 26, and referred to Mr. [Hugh] Williamson, Mr. [John Lewis] Gervais and Mr. [John Francis] Mercer, and on April 22 referred to the Superintendent of Finance. The Superintendent's report, delivered April 23, was on May 2 referred to Mr. [John Lewis] Gervais, Mr. [Thomas] FitzSimons and Mr. [Stephen] Higginson.

The petition of John Menerson dated March 21, 1783, is in No. 42, V, folio 281.

The representation of Maurice Desdevens, dated March 18, 1783, is in No. 35, folio 211, and a translation on folio 213. According to the indorsement and to Committee Book No. 186, it was referred, on March 26, to Mr. [Samuel] Osgood, Mr. [Alexander] Hamilton and Mr. [Abraham] Clark, who delivered a report April 23.

³ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 365. According to the indorsement it was referred on this day to Mr. [Richard] Peters, Mr. [John] Rutledge, and Mr. [Thomas] S[im] Lee, who were discharged April 1, 1783.

The return of persons employed in the War Office is on folio 397, and the military returns for 1782 are on folios 369-395. They are entered in No. 12, Book of Estimates, under date of March 23.

FRIDAY, MARCH 28, 1783

Congress resumed the consideration of the report of the committee on the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States; and the last clause being amended to read as follows:

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively, to the common treasury, the following alteration in the Articles of Confederation and perpetual union between the states be, and the same is hereby agreed to in Congress, and the several states are advised to authorise their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the words following, to wit:

“So much of the eighth of the Articles of Confederation and perpetual union, as is contained in the words following, to wit: All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint, is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, [that all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole

number of free ~~white~~ inhabitants, and ~~one half~~ three-fifths of the number of all other inhabitants of every sex and condition, except Indians not paying taxes in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint".¹

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. A[rthur] Lee, that the same be struck out of the report:

And on the question, shall the paragraph, as amended, stand as part of the report? the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>New York,</i>			
Mr. Gilman,	ay	} ay	Mr. Floyd,	ay	}*	
White,	ay					
<i>Massachusetts,</i>			<i>New Jersey,</i>			
Mr. Holten,	no	} no	Mr. Boudinot,	ay	} ay	
Osgood,	no		Clark,	ay		
Gorham,	ay		<i>Pennsylvania,</i>	Mr. Mifflin,	ay	} ay
Higginson,	no			Fitzsimmons,	ay	
<i>Rhode Island,</i>			Wilson,	ay		
Mr. Collins,	no	} no	Montgomery,	ay		
Arnold,	no					
<i>Connecticut,</i>			<i>Delaware,</i>			
Mr. Wolcott,	no	} no	Mr. McComb,	no	} no	
Dyer,	no		Bedford,	no		

¹ The part in brackets, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 26, folio 433. A variation, indorsed upon the report by Madison, is as follows:

in proportion to the number of white Inhabitants of every age sex and condition, and of the $\frac{1}{2}$ of the number of all other inhabitants, which numbers shall be triennially taken and transmitted to the U. S. in Congress assembled in such mode as they shall direct and appoint.

The indorsement states:

"The latter clause of the report of the Com^{ee} being recommitted the Committee reported the enclosed in lieu thereof, and motion being made to fill the blank before the words 'the number of all other inhabitants' with the words 'two thirds of' Question taken, 5 ayes 4 noes 2 divided N. H. a. Mass. div. Rh. div. Con. ay. N. J. ay. Pens. ay. Del. ay. Maryland, Virg^o, N. C^o & S. C^o no. So the question was lost, and this part relative to an alteration of the art: of Confederation was postponed."

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. T. S. Lee,	ay	} ay	Mr. Hawkins,	ay	} ay
Hemsley,	ay		Williamson,	ay	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Rutledge,	no	} no
Madison,	ay		Ramsay,	no	
Bland,	no		Izard,	no	
A. Lee,	no		Gervais,	no	
Mercer,	ay				

So the question was lost, and the paragraph struck out.

SATURDAY, MARCH 29, 1783

A motion was made by Mr. A[rthur] Lee, seconded by Mr. [Samuel] Holten, that the Superintendent of finance do lay before Congress immediately, an account of all monies which were in his hands at his coming into office, or have been received since for the public use, together with the application of all such monies in each month, distinguishing the date of each payment, the person to whom, and the purpose for which such payment was made.

A motion was made by Mr. [Samuel] Osgood, seconded by Mr. [Hugh] Williamson, that the motion be committed:

And on the question for commitment, the yeas and nays being required by Mr. A[rthur] Lee,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Gilman,	no	} no	Mr. Floyd,	ay	} ay
White,	no		Hamilton,	ay	
<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Holten,	ay	} ay	Mr. Boudinot,	ay	} div.
Osgood,	ay		Clark,	no	
Gorham,	ay		<i>Pennsylvania,</i>		
Higginson,	ay		Mr. Mifflin,	ay	} ay
<i>Rhode Island,</i>			Fitzsimmons,	ay	
Mr. Collins,	no	} no	Wilson,	ay	
Arnold,	no		Montgomery,	ay	
<i>Connecticut,</i>			<i>Delaware,</i>		
Mr. Wolcott,	ay	} div.	Mr. McComb,	ay	} ay
Dyer,	no		Bedford,	ay	

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. T. S. Lee,	ay	} ay	Mr. Hawkins,	no	} div.
Carroll,	ay		Williamson,	ay	
Hemsley,	no		<i>South Carolina,</i>		
<i>Virginia,</i>			Mr. Rutledge,	no	} no
Mr. Jones,	ay	} no	Ramsay,	no	
Madison,	ay		Izard,	no	
Bland,	no		Gervais,	no	
A. Lee,	no				
Mercer,	no				

So the question was lost.

A motion was then made by Mr. [Abraham] Clark, seconded by Mr. [Hugh] Williamson, that the motion of Mr. [Arthur] Lee be postponed, in order to fill up the committees of five, appointed on the 1st Monday in July and the 1st Monday in January last, pursuant to the resolution of the 17 June, 1782: and on the question for postponing, the yeas and nays being required by Mr. A[rthur] Lee,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Gilman,	no	Mr. Mifflin,	no
White,	ay	Fitzsimmons,	no
<i>Massachusetts,</i>		Wilson,	no
Mr. Holten,	no	Montgomery,	no
Osgood,	no		
Gorham,	ay	<i>Delaware,</i>	
Higginson,	no	Mr. McComb,	ay
<i>Rhode Island,</i>		Bedford,	no
Mr. Collins,	ay		
Arnold,	no	<i>Maryland,</i>	
<i>Connecticut,</i>		Mr. T. S. Lee,	no
Mr. Wolcott,	no	Carroll,	no
Dyer,	no	Hemsley,	ay
<i>New York,</i>		<i>Virginia,</i>	
Mr. Floyd,	no	Mr. Jones,	no
Hamilton,	no	Madison,	no
<i>New Jersey,</i>		Bland,	no
Mr. Boudinot,	ay	A. Lee,	no
Clark,	ay	Mercer,	no

<i>North Carolina,</i>			<i>South Carolina,</i>		
Mr. Hawkins,	no	} div.	Mr. Rutledge,	ay	} div.
Williamson,	ay		Ramsay,	ay	
			Izard,	no	
			Gervais,	no	

So it passed in the negative.

A motion was then made by Mr. [James] Madison, seconded by Mr. [James] Wilson, that the motion before the house be postponed, in order to take into consideration the following motion:

That it be the duty of the Superintendant of finance, with as little delay as may be, and thereafter on the day of in every year, to lay before the United States in Congress assembled, a state of all monies received into his department, with the times when, and the persons from whom they shall have been received; and also a state of all payments made immediately under his warrant, with the times when, the persons to whom, and purposes for which such warrants shall have been issued: that he also, at the periods aforesaid, lay before the United States in Congress assembled, copies of the receipts given to him for all such warrants, with the amount of the estimates or substance of the other documents on which the warrants shall have been issued; and also a report from the comptroller's office, how far the monies issued under warrants of the said Superintendant, as aforesaid, shall have been finally and satisfactorily accounted for:¹

And on the question for postponing, the yeas and nays being required by Mr. A[rthur] Lee,

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 49.

<i>New Hampshire,</i>				<i>Delaware,</i>			
Mr. Gilman,	no	}	no	Mr. McComb,	no	}	no
White,	no			Bedford,	no		
<i>Massachusetts,</i>				<i>Maryland,</i>			
Mr. Holten,	no	}	no	Mr. T. S. Lee,	ay	}	ay
Osgood,	no			Carroll,	ay		
Gorham,	ay			Hemsley,	no		
Higginson,	no					<i>Virginia,</i>	
<i>Rhode Island,</i>				Mr. Jones,	no	}	no
Mr. Collins,	no	}	no	Madison,	ay		
Arnold,	no			Bland,	no		
<i>Connecticut,</i>				A. Lee,	no		
Mr. Wolcott,	no	}	no	Mercer,	no		
Dyer,	no					<i>North Carolina,</i>	
<i>New York,</i>				Mr. Hawkins,	no	}	div.
Mr. Floyd,	ay	}	ay	Williamson,	ay		
Hamilton,	ay					<i>South Carolina,</i>	
<i>New Jersey,</i>				Mr. Rutledge,	no	}	no
Mr. Boudinot,	ay	}	ay	Ramsay,	no		
Clark,	ay			Izard,	no		
<i>Pennsylvania,</i>							
Mr. Mifflin,	ay	}	ay				
Fitzsimmons,	ay						
Wilson,	ay						
Montgomery,	ay						

So it passed in the negative.

After farther debate, an adjournment was called for and carried.

MONDAY, MARCH 31, 1783

On the report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, and Mr. [John] Rutledge, to whom was referred the report of a committee on a letter of May 6, 1782, from Mr. J. Hancock, formerly President of Congress:

The committee on the allowance to John Hancock Esq., as president of Congress, have attended that service and find that Mr. Hancock

acted as president from the 19th day of May 1775 to the 19th day of October 1777 being two years and five months. They also find that the allowance made to Mr. Lawrence for thirteen months service as president was thirty five thousand dollars paper money equal to fourteen hundred and fifty six dollars specie. They therefore beg leave to submit the following resolve:

Resolved, That there be allowed and paid to J. Hancock, esquire, three thousand two hundred and forty eight dollars, in full, for household and other expences for two years and five months, being the time he acted as President of Congress; and that the Superintendant of finance take order for the payment thereof.¹

Ordered, That Mr. [John Taylor] Gilman have leave of absence.²

WAR OFFICE, *March 27th., 1783.*

SIR,

Colonel Varick in his letter to your Excellency requests that it may be recommended to the State of New York to make up the depreciation of his pay to the 1st of August, and to pay him the ballance of his pay from the 1st of August to the 12th of January, 1781.

Colonel Varick is one of those officers, who, on being deranged, were to receive a sum of money equal to one year's pay. Some part of it has been paid him and that in depreciated money. He solicits Congress that while in service, the depreciation of the pay which he received may be made good to him, and that the year's pay promised on the dissolution of the Department of Commissary-General of Musters, in which he was an officer, may be made equal to hard money.

As there are many officers who belonged to that Department, as well as several officers of the line who were deranged in 1778 under similar circumstances with Col. Varick, I beg leave to suggest the propriety of passing a resolve, which shall comprehend them all.³

¹ This report, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 19, III, folio 17.

² This sentence was entered in the Journal by George Bond.

³ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 403. According to the indorsement it was read on this day and entered.

WAR OFFICE, March 27th., 1783.

SIR,

On the petition of the late sergeant Menerson referred to me, I beg leave to report that there are more than twenty thousand men who have similar pretensions to be supplied with clothing from the United States, and with whose claims it is altogether impossible to comply.

If it shall appear upon a Surgeon's examining his wounds, that he has been thereby incapacitated from earning his bread, I would beg leave to recommend him to the provision made for disabled soldiers by the resolves of Congress of April 22nd., 1782.¹

The Committee [Mr. James Madison, Mr. John Rutledge and Mr. Thomas FitzSimons] to whom was referred a letter from the Secretary of F. A. of the 28th Inst. informing Cong^s that there remain in his hands about 7300 dollars sav^d from the salaries of the Foreign Ministers by the course of exchange during the last year and requesting some order of Cong^s relative to the disposition thereof, Recommend that in consideration of the expences incurred by the S^d Secy. since his appointment. beyond the Salary annexed to it, as appears by his letter of day of and of the extra service discharged by him in transacting the business from which the savings above mentioned have resulted, he be allowed to retain dollars out of the same and that he be directed to place the residue in the hands of the Superintendent of Finance.

~~[Whereupon ordered that the money in the hands of the Secretary of foreign affairs be paid to the order of the Superintendent of finance.]~~

~~[Whereupon ordered that the money in the hands of the Secretary of foreign affairs saved from the salaries of foreign ministers by the course of exchange be placed in the hands of the Superintendent of finance.]~~²

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 407. According to the indorsement it was read on this day and entered.

² This report, in the writing of James Madison, except the paragraphs in brackets, which are in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, III, folio 595. According to the indorsement, and the record in Committee Book No. 186, the report was delivered March 31, 1783, read and entered. It was debated May 16, 1783, and postponed and on March 1, 1785, was referred to Mr. [Samuel] Hardy, Mr. [John] Beatty and Mr. [Elbridge] Gerry. The paragraphs in Clark's writing appear to have been added during debate.

Ordered, That a committee be appointed to inquire fully into the proceedings of the Department of Finance, including the several branches of the same, and report the result of their inquiry.

The Members chosen, Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons, Mr. [William] Hemsley, Mr. A[rthur] Lee and Mr. [Stephen] Higginson.¹

Ordered, That a letter of 31st March, 1783, from the Superintendent of Finance respecting Mr. McCall be referred to Mr. [John Lewis] Gervais, Mr. [William] Hemsley and Mr. [Nathaniel] Gorham.²

TUESDAY, APRIL 1, 1783

Mr. [Oliver] Ellsworth, a delegate for the State of Connecticut, attended, and took his seat in Congress.

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Samuel] Osgood,

Resolved, That the motion made on the 28th of March last, to strike out a part of the report of the committee on the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, be re-considered.

¹ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. The record in Committee Books No. 186 and No. 191 shows that this committee was a renewal of one appointed January 6, 1783, that committee having consisted of Mr. [Nathaniel] Gorham, Mr. [Jonathan] Elmer, Mr. [Samuel] Wharton, Mr. [Thomas] FitzSimons and Mr. [John Taylor] Gilman; and that a report was delivered June 10, and entered.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. According to the record in Committee Books No. 186 and No. 191, a report was delivered April 1 and negatived, April 4. Morris's letter is in the *Papers of the Continental Congress*, No. 137, II, folio 253.

On this day, as the indorsement states, was read a letter of March 18 from the Governor of Rhode Island transmitting a copy of the resolutions of that State on the subject of Mr. Howell. It is in the *Papers of the Continental Congress*, No. 64, folio 530.

Also a letter of March 24 from Nathaniel Stevens, late Deputy Commissary-General of Issues, stating that he has received no money from the Commissary General of Issues. It was referred to Mr. [Oliver] Wolcott, Mr. [Stephen] Higginson and Mr. [Thomas Sim] Lee. It is in No. 78, XXI, folio 293.

Also a letter of March 30 from the Secretary at War. It was referred to Mr. [Thomas] FitzSimons, Mr. [John] Rutledge and Mr. [Samuel] Osgood. It is in No. 149, II, folio 411.

The paragraph being then amended to read as follows:

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states be, and the same is hereby agreed to in Congress, and the several states are advised to authorise their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the words following, to wit:

So much of the eighth of the Articles of Confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit:

All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint, is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, that "all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each state; which

numbers shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint:

And on the question, shall the clause, as amended, stand part of the report? the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. White,	ay	}	Mr. Fitzsimmons,	ay	}
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Holten,	no	}	Peters,	ay	
Osgood,	ay		<i>Delaware,</i>		
Gorham,	ay		Mr. McComb,	ay	}
Higginson,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. T. S. Lee,	ay	}
Mr. Collins,	no	}	Hemsley,	ay	
Arnold,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	ay	}
Mr. Ellsworth,	ay	}	Madison,	ay	
Wolcott,	ay		Bland,	no	
Dyer,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	ay	}	Mr. Hawkins,	ay	}
Hamilton,	ay		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	}	Mr. Rutledge,	ay	}
Clark,	ay		Izard,	ay	

So it was resolved in the affirmative.

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Eliphalet] Dyer, and Mr. [John] Rutledge, to whom was referred the report of the Secretary at War, on a memorial from Colonel Broadhead:

Resolved, That the Superintendant of finance take order for payment to Colonel Broadhead of ninety eight dollars and fifteen ninetieths of a dollar, being the amount of money expended by him in defending several suits brought against him for certain transactions during his command at Fort Pitt:

That the ~~legislature of Pennsylvania be requested to order~~ Superintendant of finance also take order for payment to Colonel Broadhead of one hundred and fifty dollars, being the value of the presents made by him whilst on command at Fort Pitt, to the chiefs and other friendly Indians of the Delaware tribe:

~~Congress conceiving that such expence should be defrayed by the State~~ That the legislature of Pennsylvania be requested to take the necessary measures for indemnifying Colonel Broadhead against the actions depending against him in the County of Westmoreland, or for putting a stop to those actions, the same having been brought on account of certain orders and acts issued and done by him during such command, in which orders and acts, Congress, on the 18 day of April, 1780, engaged to support him.

~~With respect to Colonel Broadhead's charge for expences on his trial by a Court Martial the committee submit to Congress whether they should or should not be paid by the United States.~~¹

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. A[rthur] Lee, Mr. [Alexander] Hamilton, and Mr. [John Lewis] Gervais, to whom were referred a letter of the 15th December, from the honorable H. Laurens, one of the 13 March, from the honorable T. Jefferson, and one of the 28 of September, from the honorable F. Dana:

The Committee to whom were referred the letters of Mr Adams of the of Mr Laurens of the day of of Mr Jefferson of the day of and of Mr Dana of the day Submit the following Report,

Resolved, That the Honorable John Adams have leave to return to America, and that Congress do accept of his resignation.

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 19, I, folio 417. According to the indorsement, it was delivered on March 26.

Resolved, That the Honorable Henry Laurens have leave to ~~resign his commission as one of the ministers plenipotentiary for negotiating a peace, and~~ return to America [agreeable to his request].

Resolved, That the Secretary for Foreign affairs be directed to inform the Honorable Mr Jefferson ~~that they do not think it necessary for him to pursue his voyage to Europe,~~ [in answer to his letter of the that Congress consider the object of his appointment so far accomplished as to render his services no longer necessary].

Resolved, That Mr Dana having intimated his intention of returning to America—Congress do approve of the same, provided he should not be engaged in a negociation with the Court of St. Petersburg at the time of receiving this Resolution, in which case it is the desire of Congress that he should finish such negociation before he returns.¹

Resolved, That the Honorable Henry Laurens have leave to return to America, agreeably to his request.

Resolved, That the Secretary for foreign affairs inform the Honorable T. Jefferson, in answer to his letter of the 13 of March, that Congress consider the object of his appointment so far advanced, as to render it unnecessary for him to pursue his voyage; and that Congress are well satisfied with the readiness he has ~~expressed~~ shewn in undertaking a service, which, from the present situation of affairs, they apprehend can be dispensed with.²

¹ This report, in the writing of Samuel Osgood, except the words in brackets, which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 25, II, folio 187.

² This paragraph, in Charles Thomson's writing, is in the *Papers of the Continental Congress*, No. 25, II, folio 191. The vote is there given as follows:

White	ay	Fitzsimmons	ay
Holten	no	Montgomery	ay
Osgood	ay	Peters	ay
Gorham	ay	McComb	ay
Higginson	no	Lee	ay
Collins	no	Hemsley	ay
Arnold	no	Jones	ay
Ellsworth	ay	Madison	ay
Wolcott	ay	Bland	no
Dyer	ay	Mercer	ay
Floyd	ay	Hawkins	ay
Hamilton	ay	Williamson	ay
Boudinot	ay	Rutledge	ay
Clark	ay	Ramey	ay
		Izard	ay

[Footnote continued on page 227]

Resolved, That Mr. Dana, having intimated [his intention of returning to America, Congress do approve of the same, provided he should not be engaged in a negotiation with the Court of St. Petersburg at the time of receiving this resolution, in which case it is the desire of Congress that he should finish such negotiation before he returns.¹

Ordered, That Mr. [John] Montgomery have leave of absence.]²

FRIDAY, APRIL 4, 1783

On the report of the agent of marine, to whom were referred a letter of the 5 December, 1782, from the governor of New Orleans, and a letter of the 2^d of March last, from the governor of Havannah, respecting a criminal contempt of public faith and a violation of the law of nations, alleged to have been committed by Messrs. Church and Haydon, inhabitants of Boston, in the capture of a Spanish brig, the property of Don Antonio Argote, and in firing upon a boat carrying the flag of his Catholic Majesty:³

Footnote—continued.

The following undated motion, in the writing of Elias Boudinot, is in No. 26, folio 429:

“R. That the Secretary inform Mr. Jefferson that by the late advices from Europe it appears that his services can be no longer necessary there, and therefore Congress do not think it proper that he should pursue his voyage to Europe, ~~but that he may return home~~ wherefore he is at liberty to return home; and that Congress retain a high sense of the merit of Mr. Jefferson in so readily undertaking that arduous and important office.”

The following, also undated, is on folio 431:

“inform Mr. Jefferson that they consider the object of his mission so far accomplished as to render his services no longer necessary ~~and that they retain a high sense of~~”

¹ These resolutions were also entered in the manuscript Secret Journal, Foreign Affairs.

² The part in brackets was entered in the public Journal by George Bond. On this day, according to the indorsement, a letter, of March 31, from the Secretary at War, respecting the claim of Morgan Lewis, was read and referred to Mr. [Samuel] Osgood, Mr. [William] Floyd and Mr. [Eliphalet] Dyer. It is in the *Papers of the Continental Congress*, No. 149, II, folio 427.

³ This paragraph, and the resolutions and order following it, were also entered in the manuscript Secret Journal, Foreign Affairs.

Resolved, That the proper mode for Don Antonio Argote to obtain redress of any injuries he may have sustained from Messrs. Church and Haydon, is by prosecution in due course of law; and that a letter be written by the President to the supreme executive of the State of Massachusetts, enclosing a copy of the said letters, and recommending to the said executive to give all such countenance, protection and assistance to the said Don Antonio Argote, in his attempts to obtain legal satisfaction for the injuries alleged to have been done to him by the said Messrs. Church and Haydon, as becomes the United States to give to the subjects of powers in amity, who shall complain of a violation of their rights.¹

Ordered, That so much of the foregoing letters as relates to the violation of the laws of nations and rights of neutrality, together with a note from the honorable the minister of France, accompanied with the copy of a letter of 5 December, from the governor of New Orleans, and a letter of 25 March, from Don Antonio Argote, stating the violation of the laws of nations and rights of neutrality, alleged to have been committed by Church and Haydon, aforesaid, be referred to a committee of three.²

On motion of Mr. [John] Rutledge, seconded by Mr. [John Francis] Mercer,

Resolved, That the several states be required to suspend all enlistments for any regiment or corps in the army of the United States, until the further order of Congress.³

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Eliphalet] Dyer, Mr. [Silas] Conduct, and

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 257.

² According to Committee Book No. 186, the committee consisted of Mr. [John] Rutledge, Mr. [Thomas] FitzSimons and Mr. T[homas] S[im] Lee; and Mr. [James] Madison was afterward appointed in place of Lee. A report was delivered June 10.

³ This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 53.

Mr. [John] Montgomery, to whom was referred a letter of March 5, from the post-master general:

~~Congress being informed by the Postmaster General that Mr. Durham Alvey late postmaster in the main army has resigned—~~

Resolved, That the postmaster general be, and he is hereby authorised, from time to time, to appoint a deputy to attend the main army, who shall be entitled to draw provisions not exceeding two rations a day, and to such other ~~salary~~ reward as may be stipulated by the ~~pay~~ postmaster general, to be paid as heretofore by the paymaster general, upon a warrant from the Commander in Chief, it being provided that the amount of such rations and pay shall not exceed the allowance which was made to such officer by an act of Congress, dated the 11th of March, 1782; such pay to commence from the 10th of March last, when Mr. Alvey, late postmaster with the main army, resigned.¹

The committee [Mr. John Lewis Gervais, Mr. William Hemsley, and Mr. Nathaniel Gorham] to whom was referred the letter of the Superintendent of finance of the 31st March, submit the following resolve:

That the Superintendent of Finance take order for the payment of four hundred dollars to James McCall Secretary to the Office of Finance for extra service.²

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 61, folio 523. The indorsement shows that it was delivered April 1, read and entered. The Postmaster General's letter is on folio 145.

² This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 19, IV, folio 5. It was read on April 1, and passed in the negative on April 4, as the indorsement shows. The letter of the Superintendent of Finance is in No. 137, II, folio 253.

On this day, according to the indorsement, a letter of George Gilmer dated June 22, 1781, to Mr. Theodorick Bland, relative to his accounts, was referred to Mr. [Oliver] Ellsworth, Mr. [Hugh] Williamson, and Mr. [Abraham] Clark. It is in No. 78, X, folio 405.

On this day, as the indorsement states, a letter of March 20, from the Governor of New York, transmitting an act of the corporation of Kingston and joint resolution of the legislature respecting a fixed residence for Congress, was referred to Mr. [John] Rutledge, Mr. [William] Hemsley, and Mr. [Stephen] Higginson. It was read April 1. It is in No. 46, folio 1. According to the record in Committee Books No. 186 and No. 191, the committee delivered a report May 30, which was filed, the matter being acted upon June 4, in connection with the offer made by Maryland.

MONDAY, APRIL 7, 1783

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Nathaniel] Gorham:

Resolved, That the Secretary at war, in concert with the Commander in Chief, be, and he is hereby directed to consider and report to Congress, as speedily as may be, such measures as it will be proper to take in the present juncture for reducing the expences of the United States in the War Department.¹

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [William] Floyd and Mr. [Eliphalet] Dyer, to whom was referred a letter of 31 of March from the Secretary at War, respecting a claim of Morgan Lewis, esq. late deputy quartermaster, to the permanent rank and emoluments of a colonel:

That the Secretary at War be directed to inform Col. Morgan Lewis, that his request cannot consistent with rules heretofore laid down be complied with.²

Ordered, That the Secretary at War inform Morgan Lewis, esq. that his claim to permanent rank, and to be considered as retiring under the resolutions of the 21 October, 1780, with the emoluments of a colonel, cannot, consistent with the rules heretofore laid down, be admitted.

The Grand Committee, consisting of Mr. [Phillips White, Mr. Samuel Osgood, Mr. John Collins, Mr. Oliver Ellsworth, Mr. William Floyd, Mr. Abraham Clark, Mr. Eleazer McComb, Mr. William Hemsley, Mr. John Francis Mercer, Mr. Hugh Williamson and Mr. John Lewis Gervais], appointed to consider and report the proportions which the several States shall for the present bear towards each other in the requisitions of Congress have attended the service assigned them and submit the following proportions grounded upon the number of Inhabitants in the several States. New Hampshire, Rhode Island, Connecticut and Maryland produced authentic documents of their numbers; in ascer-

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 27, folio 225. According to the record in Committee Book No. 186, the committee was appointed April 4, "to consider the means of reducing expenditures in the military department."

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 149, II, folio 430.

The committee of the week [Mr. John Francis Mercer, Mr. Phillips White, Mr. Samuel Holten] report,

That the memorial of John Thompson be referred to the Agent of Marine ¹

WEDNESDAY, APRIL 9, 1783

The committee, consisting of Mr. [Oliver] Ellsworth, Mr. [James] Madison and Mr. [Thomas] Fitzsimmons, to whom was referred a motion of Mr. [Abraham] Clark, report, that an amendment be made in the report on finance, by inserting the following clause:

"That certificates for interest due on loans and other liquidated debts of the United States, to be granted if applied for, under such regulations as Congress ~~or the Superintendent of finance~~ shall establish, shall be received as specie, in payment of the said one million five hundred thousand dollars."²

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Eliphalet] Dyer, to postpone the consideration of the report, in order to consider the following amendment:

"That every State shall be credited out of the last mentioned revenue for all interest by them to be hereafter respectively paid on loan-office certificates, and other liquidated debts of the United States:"³

And on the question for postponing, the yeas and nays being required by Mr. [Abraham] Clark,

¹ This report is in the *Papers of the Continental Congress*, No. 32, folio 461.

On this day, as the indorsement states, was read a letter of March 23 from General Washington. It is in No. 152, XI, folio 187. It was referred to Mr. [Richard] Peters, Mr. [Eliphalet] Dyer and Mr. T[homas Sim] Lee.

Also a letter from General Washington of March 30. It is in No. 152, XI, folio 191.

On April 8, according to the indorsement, was read a letter of April 4 from General Washington. It is in No. 152, XI, folio 195. It was referred to Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Samuel] Osgood.

² This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 26, folio 407.

³ This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 26, folio 409. The vote on both the postponement and the question to agree is on the same folio.

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Osgood,	ay	} ay	Mr. Fitzsimmons,	ay	} div.
Gorham,	ay		Wilson,	no	
Higginson,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. T. S. Lee,	ay	} ay
Mr. Collins,	ay	} ay	Carroll,	ay	
Arnold,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	no	} div.
Mr. Ellsworth,	no	} ay	Madison,	no	
Wolcott,	ay		Bland,	ay	
Dyer,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	ay	} ay	Mr. Hawkins,	ay	} ay
Hamilton,	ay		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Rutledge,	ay	} ay
Clark,	ay		Izard,	ay	

So it was resolved in the affirmative.

On the question to agree to the amendment moved by Mr. [Abraham] Clark, the yeas and nays being required by Mr. [Abraham] Clark,

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Osgood,	no	} no	Mr. Fitzsimmons,	no	} no
Gorham,	ay		Wilson,	no	
Higginson,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. T. S. Lee,	no	} no
Mr. Collins,	ay	} ay	Carroll,	no	
Arnold,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	no	} no
Mr. Ellsworth,	ay	} ay	Madison,	no	
Wolcott,	no		Bland,	no	
Dyer,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Hawkins,	no	} no
Hamilton,	no		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} div.	Mr. Rutledge,	no	} no
Clark,	ay		Izard,	no	

So it passed in the negative.

The question being taken on the report of the committee, passed in the negative.

THURSDAY, APRIL 10, 1783

On the report of a committee, consisting of Mr. [Richard] Peters, Mr. [Eliphalet] Dyer and Mr. T[homas] S[im] Lee, to whom was referred a letter of 23 of March, from the Commander in Chief:

Resolved, That Congress are satisfied with the reasons which have prevailed with Major-General the Marquis de la Fayette, for his stay in Europe, and his consequent absence from his command in the army of the United States, and have a high sense of the new proofs he has exhibited of his zeal in the cause of the said states, and of his constant attachment to their interests and welfare.¹

On the report of a committee, consisting of Mr. [William] Hemsley, Mr. [John Lewis] Gervais, and Mr. [Thomas] Fitzsimmons, to whom were referred a memorial and the accounts of Oliver Pollock:

The Committee to whom was referred the letter from Oliver Pollock of the 24 Feby with his acc^t against the United States. Report

That they have Examined the acc^ts of the said Oliver Pollock with the vouchers which he has produced and find the amount thereof - - - - - 58735 26/90

That this account consists of a variety of articles, which the committee do not think themselves competent to judge of and conceive it to be their duty to state the articles *speciallly* that they may receive the opinion of Congress thereon.

The Committee find a charge for three invoices of goods shipped for account of the United States but received and made use of by the State of Virginia amounting (with interest to the 1st March 1783) to - - - - - 23288 84/90

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, VI, folio 423.

If Congress are of opinion, that this should be a charge against the United States they will so direct. If they shall so direct the Committee advise, that the said Oliver Pollock be obliged to produce vouchers to shew that the goods in invoice marked C amounting to - - - - - 3977 81/90

Including interest to the 1st March 1783 was before credited to the United States.

The article marked N^o 1 in the account is for damages upon bills drawn by the said Pollock in New Orleans upon S. & I. H. Delap of Bourdeaux and amounts to - - - - - 1961 41/90

Upon this article the Committee remark that the bills upon which the said damages are charged were not drawn by order, or for account of the United States, but it appears that at the time of drawing them, these States were largely indebted to the said Pollock, and that in consequence of his application to the Commercial Committee they did promise to write to the Commissioner at the Court of France to make provision for the payment of the said bills. It appears, too, that the Continental agent at Cape François possessed himself of a large quantity of peltrys the property of the said Pollock upon a presumption that they were the property of the United States, and that the detention of the said peltrys was the occasion of the Damages which he alledges he sustained.

If Congress are of opinion that under these Circumstances the damages aforesaid should be allowed they will so direct [for the ballance due to him at the time of the damages sustained] upon proof being made to them that those damages were actually paid.

In Article N^o 2 is included a charge of one thousand six hundred Dollars paid to William Murray for his attendance upon Congress for Sixteen Months.

Upon Inquiry the Committee do not find that the attendance of the said W. Murray was by desire of Congress. And that this charge together with the Interest thereon to the 1 March 1783 ought to be deducted.

Article N^o 3 amounting to 11133 83/90 is for sundry sums of paper money for which the said Pollock alledges he gave specie (to support the honor and interest of the United States); in the above sum is included interest on the sums exchanged to the 1 March 1783.

If Congress are of opinion that this charge should be allowed they will direct accordingly.

Article N^o 4 is a charge of expences as Continental Agent at New Orleans for five years at 1000 dollars p^r annum amounts to - 5000

As no voucher is produced for any particular Expence incurred it remains with Congress to determine whether this allowance or any part of it shall be made.

Postponed.

Negativd.

Article N^o 5 is a charge of 6750 dollars for damages sustained by the said Pollock, in the sale of his property, which he was obliged to dispose of to make payment of part of the debt which he had contracted for the service of the United States.

The property sold is stated to have been of the value of 45,000 dollars, and the damages sustained Estimated at 15 p^r C^t upon that value; but no vouchers are produced to shew the value of the property or the damage actually sustained.

Upon this charge the Committee can only remark that it appears clearly that the said Pollock was a man of considerable property in the Country where he resided and that the United States are largely indebted to him. They have reason to believe (from information) that he has been under the necessity of selling his property.

If Congress shall be of opinion that he is intitled to this compensation they will so direct.

Negativd.

Article N^o 6 is a charge for expences in coming from New Orleans to this place to solicit the settlement and payment of his accounts and amounts to 1300 Doll^r

If Congress think proper to make any allowance on that account, the Committee are of opinion the charge is a moderate one.

Negativd.

N^o 8 is left blank in the account and is intended to call the attention of Congress to the damages which the said Pollock has sustained by having his whole property withheld by them and thereby disqualifyd him from engaging in any business for his support.

Negativd.

Upon this charge Congress will please to determine.

N^o 7 is a credit of 1250 State dollars paid to the agent of the s^d Pollock on the 8th Feby., 1781.

He has credited this payment at the different rates of depreciation, at which he alleges it was passed by which the value is reduced to 565 dollars and the interest calculated on that instead of the original sum.

The Committee are of opinion it would be introducing a very dangerous precedent to admit that persons who received paper money should be allowed to estimate it at any other value than that which it actually bore at the time they received it, and that M^r Pollock should be charged with the above sum upon that principle.

Passed.

In referring to the journals of Congress the Committee find, that there have been several reports and resolutions, expressive of the zeal and activity of the said Oliver Pollock in his endeavours for the service of the United States they find that he has credit in the treasury books for - - - - - 60255 78/90 exclusive of the present account and that he is creditor to the state of Virg^a for - - - - - 136,466 dollars

They are clearly of opinion that his zeal and his sufferings intitle him to the consideration of Congress in several of the charges above referred to, and that a considerable payment ought to be made to him, as soon as the situation of the public finances will permit.

In the report of a Committee of the 7 Nov^r 1781, it is directed, that the Superintendant of Finance do not pay any part of the sums (credited to the said Pollock) to him or to his agents untill advice is received from Don Galvez of the sums advanced by him to the said Pollock and of the measures taken by the said Pollock for repayment thereof.

It has been ascertained, that the sums advanced by Don Galvez amounts to - - - - - 74,087 dollars and it is not pretended that any part thereof has been paid but it is urged by the said Pollock that he stands engaged for payment of the whole and requests that the aforesaid Injunction be taken of.¹

Resolved, That the three invoices of goods shipped by O. Pollock, for account of the United States, but which were received and made use of by the State of Virginia, amounting, with interest to the 1 March, 1783, to 23,288 84-90 dollars, be admitted in the settlement of his accounts with the United States; but that he be obliged to produce vouchers to shew that the goods in invoice, marked C, amounting, with interest to the 1 March, 1783, to the sum of 3177 81-90 dollars, was before credited to the United States, and that until he produce such vouchers, this sum be not admitted.

Resolved, That the charge of 1961 41-90, for damages on bills drawn by the said O. Pollock upon S. and J. H. Delap, of Bordeaux, be allowed, provided it shall appear that 10,000 dollars, which was the amount of the bills drawn,

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 50, folio 297. According to the indorsement, it was read March 26. See *post*, May 2.

were at the time of drawing due to the said Oliver Pollock by the United States, but if not, that damages be allowed for the sum due to him at the time of the damage sustained, upon proof being made that those damages were actually paid.

Resolved, That the charge of one thousand six hundred dollars, paid to William Murray, for his attendance on Congress for sixteen months, together with the interest charged thereon, be not admitted.

Resolved, That the charge of 11,133 83-90 dollars, for paper money, be not admitted.

Resolved, That the charge for damages on the sale of his estate, and the charge for expences in coming from New Orleans, to solicit the settlement and payment of his accounts, be not admitted.

FRIDAY, APRIL 11, 1783

The Secretary for Foreign affairs, to whom was referred a letter of 21 January, from the honorable B. Franklin, with an agreement between the ministers plenipotentiary of the United States of America, and the minister plenipotentiary of his Britannic Majesty, on the 20 of January last, relative to a cessation of hostilities, reported the draught of a proclamation, as follows:

By the United States of America in Congress assembled

A PROCLAMATION,

Declaring the cessation of arms, as well by sea as by land, agreed upon between the United States of America and his Britannic Majesty; and enjoining the observance thereof.

Whereas provisional articles were signed at Paris on the thirtieth day of November last, between the ministers plenipotentiary of the United States of America for treating of peace, and the minister plenipotentiary of his Britannic Majesty, to be inserted in, and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannic Majesty, when terms of peace should be agreed upon between their Most Christian and Britannic

Majesties: and whereas preliminaries for restoring peace between their Most Christian and Britannic Majesties were signed at Versailles, on the twentieth day of January last, by the ministers of their Most Christian and Britannic Majesties: and whereas preliminaries for restoring peace between the said king of Great Britain and the king of Spain, were also signed at Versailles on the same twentieth day of January last:

By which said preliminary articles it hath been agreed, that as soon as the same were ratified, hostilities between the said kings, their kingdoms, states and subjects, should cease in all parts of the world: and it was further agreed, that all vessels and effects that might be taken in the channel and in the North seas, after the space of twelve days from the ratification of the said preliminary articles, should be restored; that the term should be one month from the channel and North seas as far as the Canary islands, inclusively, whether in the ocean or the Mediterranean; two months from the said Canary islands as far as the equinoctial line or equator: and lastly, five months in all other parts of the world, without any exception or more particular description of time or place: and whereas it was declared by the minister plenipotentiary of the king of Great Britain, in the name and by the express order of the king his master, on the said twentieth day of January last, that the said United States of America, their subjects and their possessions, shall be comprised in the above mentioned suspension of arms, at the same epochs, and in the same manner as the three crowns above mentioned, their subjects and possessions respectively; upon condition, that on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part: and whereas the ministers plenipotentiary of these United States, did, on the twentieth day of January, in the name and by the authority of the said United States, accept the said declaration, and declare that the said states should cause all hostilities to cease against his Britannic Majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, his Majesty the King of France, and his Majesty the King of Spain, so and in the same manner as had been agreed upon between those three crowns, and to produce the same effects: and whereas the ratifications of the said preliminary articles, between their Most Christian and Britannic Majesties, were exchanged by their ministers on the third day of February last; and between his Britannic Majesty and the King of Spain, on the 9th day of February last: and whereas

it is our will and pleasure, that the cessation of hostilities between the United States of America and his Britannic Majesty, should be conformable to the epochs fixed between their Most Christian and Britannic Majesties:

We have thought fit to make known the same to the citizens of these states; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic Majesty or his subjects, from and after the respective times agreed upon between their Most Christian and Britannic Majesties, as aforesaid.

And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same ~~may~~ be duly observed within their several jurisdictions.

Done in Congress, at Philadelphia, this eleventh day of April, in the year of our Lord one thousand seven hundred and eighty three, and of our sovereignty and independence the seventh.

[On the question to agree to the foregoing proclamation, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. White,	ay	}	Mr. Mifflin,	ay	} ay
<i>Massachusetts,</i>			Fitzsimmons,	ay	
Mr. Holten,	ay	} ay	Wilson,	ay	
Osgood,	ay		<i>Maryland,</i>		
Gorham,	ay		Mr. T. S. Lee,	ay	} ay
Higginson,	ay		Carroll,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins,	ay	} ay	Mr. Jones,	ay	} ay
Arnold,	ay		Madison,	ay	
<i>Connecticut,</i>			Bland,	ay	
Mr. Ellsworth,	ay	} ay	Mercer,	no	
Wolcott,	ay		<i>North Carolina,</i>		
Dyer,	ay		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
Hamilton,	ay		Mr. Rutledge,	ay	} ay
<i>New Jersey,</i>			Izard,	ay	
Mr. Boudinot,	ay	} ay			
Clark,	ay				

So it was resolved in the affirmative.¹

Ordered, That a letter of the 11th of April, from the Superintendent of Finance, proposing the sale of the Ship the *Duc de Lauzun*, be referred to Mr. [Theodorick] Bland, Mr. [Thomas] Fitzsimmons and Mr. [Stephen] Higginson.²

TUESDAY, APRIL 15, 1783

Congress took into consideration the articles agreed upon at Paris, on the 30 day of November last, entitled "Articles agreed upon by and between Richard Oswald, esq. the commissioner of his Britannic Majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said states, for treating of peace with the commissioner of his said Majesty, on their behalf, on the other part; to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly;" and thereupon,

¹ The proclamation and the vote upon it were also entered in the manuscript Secret Journal, Foreign Affairs. The part in brackets was entered in the public Journal by George Bond.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. The record in Committee Books No. 186 and No. 191 shows that a report was delivered April 18, and acted on, April 21.

On this date, according to the indorsement, a letter of Thomas Chittenden, dated March 18, was read and referred to Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, Mr. [Arthur] Lee, Mr. [John Taylor] Gilman, and Mr. [Oliver] Wolcott. It is in the *Papers of the Continental Congress*, No. 40, II, folio 401. See *post*, May 26.

Also a letter of April 11 from the President of the Council of Pennsylvania to the delegates of that State in Congress asking that measures be taken to secure negroes belonging to citizens of that State. It is in No. 69, II, folio 439.

On April 14, according to the indorsement, was read a letter of April 9, from General Washington. It is in No. 152, XI, folio 211.

Resolved, That ~~the Secretary for foreign affairs be directed~~ a committee of Congress be appointed to prepare and lay before Congress ~~without delay~~ a draft of a ratification of the ~~provisional treaty~~ articles entered into between the Commissioners of the United States and the Commissioner of his Britannic Majesty at Paris on the 30th day of November last.

Resolved, That the Commander in Chief be directed to enter into ~~the necessary~~ preparatory arrangements relative to the 7th Article of the said Treaty with the Commanders in Chief of the British land and naval forces in America, and that a committee be appointed to prepare a letter to him on this subject.¹

Resolved, unanimously, That the said articles be ratified, and that a ratification in due form be sent to our Ministers Plenipotentiary at the Court of Versailles, to be exchanged if an exchange shall be necessary.

Resolved, That the agent of marine cause all the naval prisoners to be set at liberty.

Resolved, That the Commander in Chief be, and he is hereby instructed to make the proper arrangements with the Commander in Chief of the British forces, for receiving possession of the posts in the United States occupied by the troops of his Britannic Majesty; and for obtaining the delivery of all negroes and other property of the inhabitants of

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 25, II, folio 197. The indorsement states that it was agreed to on this day.

To this period belongs the following motion, in the writing of James Wilson, except the words in brackets, which are added in pencil by Alexander Hamilton. It is on folio 196, and is undated:

“And whereas it was agreed between the Ministers Plenipotentiary of the United States and the Minister Plenipotentiary of his Britannic Majesty, that all hostilities should cease between the said United States their subjects and possessions, and his Britannic Majesty his subjects and possessions at the terms and epochs agreed upon between their most Christian [Catholic] and Britannic Majesties.

And whereas the ratification of the said preliminary articles between their most Christian and Britannic Majesties were exchanged by their Ministers on the third day of Feby. last, [and between the Ministers of their Britannic and Catholic Majesties on the 9th of said month].

And whereas it is our will and pleasure that the cessation of hostilities between the United States of America and his Britannic Majesty should be agreeable to the said terms and epochs [fixed between their Christian and Britannic Majesties].

We have &c.”

the United States in the possession of the British forces, or any subjects of, or adherents to his said Britannic Majesty; and that the Secretary at War, in conjunction with the Commander in Chief, take proper arrangements for setting at liberty all land prisoners.

When the foregoing resolution was under debate, a motion was made by Mr. [Abraham] Clark, seconded by Mr. [Eliphalet] Dyer, to strike out the words "in conjunction with the Commander in Chief":

And on the question, shall those words stand? the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. White,	no	}	Mr. Bedford,	ay	}
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Holten,	ay	}	Mr. T. S. Lee,	ay	}
Gorham,	ay	}	Carroll,	ay	}
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Arnold,	ay	}	Mr. Jones,	ay	}
<i>Connecticut,</i>			Madison,	ay	}
Mr. Ellsworth,	no	}	Bland,	ay	}
Dyer,	no	}	<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	ay	}
Mr. Floyd,	ay	}	Williamson,	ay	}
Hamilton,	ay	}	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Rutledge,	ay	}
Mr. Boudinot,	ay	}	Izard,	ay	}
Clark,	no	}	Gervais,	ay	}
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	}			
Peters,	ay	}			

So it was resolved in the affirmative.

Resolved, That the form of the ratification be as follows:
The United States in Congress assembled, To all who shall see these presents Greeting:

Whereas in and by our commission dated at Philadelphia the fifteenth day of June in the year of our Lord one thousand seven hundred and eighty one the hon^{ble} John Adams,

Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, or a majority of them or of such of them as might assemble, or, in case of the death, absence, indisposition or other impediment of the others, any one of them, were constituted and appointed our Ministers, with full power and authority general and special, to confer, treat, agree and conclude with the ambassadors, commissioners and plenipotentiaries of the princes and states whom it might concern, vested with equal powers relating to the establishment of peace, and whatsoever should be agreed and concluded for us, and in our name to sign, and thereupon make a treaty or treaties, and to transact everything that might be necessary for compleating, securing and strengthening the great work of pacification in as ample form and with the same effect as if we were personally present and acted therein, we promising at the same time in good faith that we would accept, ratify, fulfil and execute what should be agreed, concluded and signed by our said Ministers Plenipotentiary, or a majority of them or of such as might assemble, or, in case of the death, absence, indisposition or other impediment of the others, by any one of them;

And whereas John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of our said Commissioners, in pursuance of the powers aforesaid, on the thirtieth day of November in the year of our Lord one thousand seven hundred and eighty two, with Richard Oswald esquire, Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in virtue of powers to him granted by his said Britannic Majesty, did conclude and sign on the part of the United States of America and the Crown of Great Britain, articles in the words following:¹

Articles agreed upon by and between Richard Oswald, esquire, the Commissioner of his Britannick Majesty for

¹ A draft of this form of ratification, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, II, folio 193. A duplicate is on folio 275.

treating of peace with the commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said states for treating of peace with the commissioner of his said Majesty, on their behalf, on the other part—to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannick Majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

ARTICLE I

His Britannick Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and

declared, that the following are and shall be their boundaries, viz.

ARTICLE II

From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantick ocean, to the north-westernmost head of Connecticut river; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois, or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superiour; thence through lake Superiour northward of the isles Royal and Philipeaux to the Long lake; thence through the middle of said Long lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence in a due west course to the river Mississippi; thence by a line to be drawn along the middle of said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Apalachicola

or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantick ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantick ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantick ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

ARTICLE III

It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same upon that island;) and also on the coasts, bays and creeks of all other of his Britannick Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled,

it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V

It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any person who may be now in possession, the bona fide price (where any has been given) which such

persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI

That there shall be no future confiscations made, nor prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII

There shall be a firm and perpetual peace between his Britannick Majesty and the said states, and between the subjects of the one and the citizens of the other; wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannick Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers belonging to any of said states, or their citizens, which in the course of the war may have fallen into the hands of his

officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ARTICLE IX

In case it should so happen, that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed)	RICHARD OSWALD,	[L. S.]
	JOHN ADAMS,	[L. S.]
	B. FRANKLIN,	[L. S.]
	JOHN JAY,	[L. S.]
	HENRY LAURENS,	[L. S.]

Witnesses.

(Signed)	CALEB WHITEFORD,	
	<i>Secretary to the British Commission.</i>	
	W. T. FRANKLIN,	
	<i>Secretary to the American Commission.</i>	

SEPARATE ARTICLE

It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the

mouth of the river Yassous, where it unites with the Mississippi, due east to the river Apalachicola.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed)	RICHARD OSWALD,	[L. S.]
	JOHN ADAMS,	[L. S.]
	B. FRANKLIN,	[L. S.]
	JOHN JAY,	[L. S.]
	HENRY LAURENS,	[L. S.]

Attest.

CALEB WHITEFORD,
Secretary to the British Commission.

W. T. FRANKLIN,
Secretary to the American Commission.

Now know ye, That we, the United States in Congress assembled, have ratified and confirmed, and by these presents do ratify and confirm, the said articles, and every part, article and clause thereof, on our part. Concluded and signed as aforesaid.

In testimony whereof, [we have caused our seal to be hereunto affixed. Witness his Excellency Elias Boudinot, President, this fifteenth day of April, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.]¹

[Motion of Mr. Richard Peters, April 15, 1783.]

That the Commander in Chief be directed to inform the Commander in Chief of the British forces in America that the U. S. are ready to liberate, when officers shall be sent on the part of his Brittanic Majesty to receive them, at such places as shall be agreed upon as most convenient for their embarkation, all prisoners of war in possession of the U. S. and to furnish proper passports; and the means of transportation if required at the expence of his Brittanic Majesty.

That the Commander in Chief be authorized and directed to agree with the Commander in Chief of the British forces on the times and

¹ The articles were entered only in the manuscript Secret Journal, Foreign Affairs; the rest of the proceedings for the day were entered in both the Public and Secret Foreign Journal. The part in brackets was entered in the Public Journal by George Bond.

manner of delivering up the several posts and garrisons occupied by the British forces within the United States.¹

WEDNESDAY, APRIL 16, 1783

A motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [Theodorick] Bland, to re-consider the resolution passed yesterday, viz. "That the Commander in Chief," &c. to the end, in order to take into consideration the following proposition in lieu thereof, viz.

That the Commander in Chief be directed to enter into preparatory arrangements, relative to the 7th article of the said treaty, with the commanders in chief of the British land and naval forces in America:

And on the question, to re-consider for the purpose above-mentioned, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Delaware,</i>	
Mr. White,	no } *		Mr. Bedford,	ay } *
<i>Massachusetts,</i>			<i>Maryland,</i>	
Mr. Holten,	no } no		Mr. T. S. Lee,	no } div.
Gorham,	no } no		Carroll,	ay } div.
<i>Rhode Island,</i>			<i>Virginia,</i>	
Mr. Collins,	no } div.		Mr. Jones,	ay } ay
Arnold,	ay } div.		Madison,	ay } ay
<i>Connecticut,</i>			Bland,	ay } ay
Mr. Ellsworth,	no } no		<i>North Carolina,</i>	
Dyer,	no } no		Mr. Hawkins,	ay } ay
<i>New York,</i>			Williamson,	ay } ay
Mr. Floyd,	ay } ay		<i>South Carolina,</i>	
Hamilton,	ay } ay		Mr. Rutledge,	no } ay
<i>New Jersey,</i>			Izard,	ay } ay
Mr. Boudinot,	no } no		Gervais,	ay } ay
Clark,	no } no			
<i>Pennsylvania,</i>				
Mr. Mifflin,	no } ay			
Fitzsimmons,	ay } ay			
Peters,	ay } ay			

¹ This motion, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 36, II, folio 61. The indorsement gives it this date.

On April 14, as the indorsement indicates, a letter of Thomas Wiggans, of the same day, praying for relief, was read. It is in No. 78, XXIV, folio 359.

So the question was lost.

WAR OFFICE *April 14th 1783.*

I do myself the honor to inform Congress of my return from camp.

On my arrival at Head Quarters I found circumstances so materially altered from what they were when I left this city, that the object of my mission was done away, as it would be involved in the general system which may be consequent on the cessation of hostilities.

I therefore only recited to the Commander in chief what the intentions of Congress were at the time I left them. We then took a general view of the state of the army and the measures necessary to be adopted previous to their being disbanded.

The General appeared to be fully convinced of the impropriety of continuing the army until funds should be established for the payment of the money due to them. At the same time he thought they should not be disbanded until there should be a full settlement of all their accounts.

That three months' pay should if possible be given them immediately. If that could not be done, that one month's pay should be put into their hands to enable them to travel to their respective homes, and that Mr. Morris should give them orders on the receivers of taxes in their several states for two months' pay, either of these modes he supposed would be satisfactory.

It seemed to be very much the General's wish, in order to adjust and arrange these matters, and such others as should be necessary to a regular discharge of the army, that a committee of Congress, with plenary powers, the Superintendent of finance, and the Secretary at War should go to Head Quarters. This measure he supposed would give facility and dispatch, and that the attention would have an agreeable influence in the army. He is further induced to wish that Congress would adopt this measure from a persuasion that the moment peace is announced to the army, it will be impossible to retain the men who are engaged to serve during the war. He is therefore of opinion that it will be necessary to avoid any disorder to publish to them, at the time peace shall be declared, that it is optional with them to remain in Camp until their accounts are settled or to leave it immediately.

The horse, which are very expensive should, I think, be sold as soon as possible, and also many other articles. Our present want of money would induce an order that the horses, and all other articles should be sold for cash, while a regard to the public interest (as they

would in that way bring a much greater price) suggests the propriety of permitting the public creditors to purchase, and to be debited for the value of what they buy.¹

THURSDAY, APRIL 17, 1783

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [Oliver] Wolcott and Mr. [Richard] Peters, and ~~Mr. Gorham~~ to whom was referred a letter of 14, from the Secretary at War:

Resolved, That immediate measures be taken for the sale of all the dragoon horses belonging to the United States, and of all such articles in the several military departments, as may not be necessary for the use of the army, previous to its reduction, or for the formation of magazines on a peace establishment.²

Congress resumed the consideration of the report on revenue, when a motion was made by Mr. [John Lewis] Gervais, seconded by Mr. [Eliphalet] Dyer, to strike out the duty of $\frac{1}{8}$ of a dollar per bushel upon salt:

And on the question, shall that part of the report stand? the yeas and nays being required by Mr. [John Lewis] Gervais,

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 439. The indorsement states: Referred to Mr. [Nathaniel] Gorham, Mr. [Theodorick] Bland, and Mr. [Richard] Peters, April 16 referred to Mr. [Alexander] Hamilton, Mr. [Richard] Peters, and Mr. [Nathaniel] Gorham.

On this day, as the indorsement indicates, a letter of April 14 from the Secretary at War enclosing letters from the Paymaster General was referred to Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. [Theodorick] Bland. It is No. 149, II, folio 435.

² This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 27, folio 227. According to the indorsement, it was the report of Hamilton, Peters and Gorham, and it was originally so entered in the Journal. Gorham's name was then erased and Osgood, Bland and Wolcott interlined.

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. White,	no	}	Mr. McComb,	ay	}
<i>Massachusetts,</i>		*	Bedford,	ay	ay
Mr. Holten,	no	}	<i>Maryland,</i>		
Gorham,	no	no	Mr. T. S. Lee,	ay	}
<i>Rhode Island,</i>			Carroll,	ay	ay
Mr. Collins,	no	}	<i>Virginia,</i>		
Arnold,	no	no	Mr. Jones,	ay	}
<i>Connecticut,</i>			Madison,	ay	ay
Mr. Ellsworth,	no	}	Bland,	ay	
Dyer,	no	no	<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	}
Mr. Floyd,	ay	}	Williamson,	no	no
Hamilton,	ay	ay	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Rntledge,	no	}
Mr. Boudinot,	ay	}	Izard,	ay	no
Clark,	no	ay	Gervais,	no	
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Mifflin,	ay	}			
Fitzsimmons,	ay	ay			

So the question was lost, and that clause, as well as the bounty of one-eighth of a dollar per quintal of dried fish, and of a like sum per barrel of beef or pork exported, were struck out.

The Committee to whom was recommended the 10th clause of the report on revenue &c, report the following addition thereto:

"And to the end that convenient provision may be made for determining in all such cases, how far the expences may have been reasonable, as well with respect to the object thereof as to the means for accomplishing it, thirteen Commissioners namely one out of each State shall be appointed by Congress any seven or more of whom (having first taken an oath for the faithful and impartial exercise of their appointment) who shall concur in the same opinion, shall be empowered to determine finally on the reasonableness of all claims for expences incurred by particular States as aforesaid. And that such determinations may be expedited as much as possible, instructions shall be given to the Commissioners for adjusting accounts between the U. S. and individual States, to examine all such claims and report to Congress, such of them as shall be supported by satis-

factory proofs, distinguishing in their reports the objects and measures as to which the expences shall have been incurred: provided that no balanees which may become due to any State in consequence of this regulation or of the resolutions of the day of shall be deducted out of the preceding revenues but shall be discharged out of separate requisitions to be made on the States for that purpose.¹

FRIDAY, APRIL 18, 1783

Congress resumed the consideration of the report on finance, and the following paragraph being under debate:

That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6 September and 10 October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended; and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Rutledge, to strike out the words "and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance:"

And on the question shall those words stand? the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. White,	ay	}	Mr. Collins,	ay	}
<i>Massachusetts,</i>			Arnold,	ay	
Mr. Holten,	ay	}	<i>Connecticut,</i>		
Osgood,	ay		Mr. Ellsworth,	ay	}
Gorham,	ay		Dyer,	ay	
Higginson,	ay				

¹ This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 26, folio 419. The indorsement states: "April 11, 1783, Read. Ent^d April 17, 1783, on the question to admit the clause, to which this is proposed as an addition, into the report on finance, States called, Virginia, ay; all the rest, no."

<i>New York,</i>			<i>Maryland,</i>		
Mr. Floyd,	ay	} ay	Mr. T. S. Lee,	ay	} ay
Hamilton,	ay		Carroll,	ay	
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	ay	} ay	Mr. Jones,	no	} no
Clark,	ay		Madison,	no	
Condict,	ay		Bland,	no	
<i>Pennsylvania,</i>			Mercer,	no	
Mr. Fitzsimmons,	ay	} ay	<i>North Carolina,</i>		
Wilson,	ay		Mr. Hawkins,	ay	} ay
Peters,	ay		Williamson,	ay	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. McComb,	ay	} ay	Mr. Rutledge,	no	} no
Bedford,	ay		Izard,	ay	
			Gervais,	no	

So it was resolved in the affirmative.

Congress proceeded in the consideration of the report, and sundry amendments being made,

Resolved, by nine states, That it be recommended to the several¹ states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in Congress assembled with a power to levy for the use of the United States the following duties upon goods imported into the said states from any foreign port, island or plantation:

Upon all rum of Jamaica proof per gallon, - - - - -dols. 4-90	Upon brown sugar per pound, - - - - - ½-90
Upon all other spirituous liquors, - - - 3-90	Upon loaf sugar per pound, - - - - - 2-90
Upon Madeira wine, - 12-90	Upon all other sugars, 1-90
Upon all other wines, - 6-90	Upon molasses per gallon, - - - - - 1-90
Upon common bohea tea per lb. - - - 6-90	Upon cocoa and coffee per pound, - - - 1-90
Upon all other teas, - 24-90	Upon all other goods, a duty of five per cent. ad valorem at the time and place of importation.
Upon pepper per pound, - - - - - 3-90	

¹ From this point the entries in the Journal are by George Bond.

Provided, that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States, for supporting the war, agreeably to the resolution of the 16 day of December last, nor be continued for a longer term than twenty-five years: and provided, that the collectors of the said duties shall be appointed by the states, within which their offices are to be respectively exercised, but when so appointed, shall be amenable to, and removable by the United States in Congress assembled, alone; and in case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress assembled:

That it be further recommended to the several states, to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war, substantial and effectual revenues of such nature as they may judge most convenient, for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the aforementioned duties, which proportion shall be fixed and equalized, from time to time, according to the rule which is or may be prescribed by the Articles of Confederation; and in case the revenues established by any State shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it; and in case the revenues of any State shall be found to be deficient, the immediate deficiency shall be made up by such State with as little delay as possible, and a future deficiency guarded against by an enlargement of the revenues established: provided that until the rule of the Confederation can be carried into practice, the proportions of the said 1,500,000 dollars shall be as follows, viz.

New Hampshire, - -	52, 708	Maryland, - - - -	141, 517
Massachusetts, - -	224, 427	Virginia, - - - -	256, 487
Rhode Island, - - -	32, 318	North Carolina, - -	109, 006
Connecticut, - - -	132, 091	South Carolina, - -	96, 183
New York, - - - -	128, 243	Georgia, - - - -	16, 030
New Jersey, - - -	83, 358		
Pensylvania, - - -	205, 189		1, 500, 000
Delaware, - - - -	22, 443		

The said last mentioned revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected.

That an annual account of the proceeds and application of all the aforementioned revenues, shall be made out and transmitted to the several states, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State, together with the allowances made to the several officers employed in the collection of the said revenues.

That none of the preceding resolutions shall take effect until all of them shall be acceded to by every State, after which unanimous accession, however, they shall be considered as forming a mutual compact among all the states, and shall be irrevocable by any one or more of them without the concurrence of the whole, or of a majority of the United States in Congress assembled.

That as a further mean, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles

of Confederation and perpetual union, between these states be, and the same is hereby agreed to in Congress; and the several states are advised to authorise their respective delegates to subscribe and ratify the same as part of the said instrument of union, in the words following, to wit:

So much of the 8th of the Articles of Confederation and perpetual union, between the thirteen states of America, as is contained in the words following, to wit:

“All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint,” is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, that “all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.”¹

¹ This report is in the *Papers of the Continental Congress*, No. 26, folio 415. A printed copy of the report of March 18 was used, and altered by Charles Thomson, to satisfy the changes made by Congress. A printed copy of the resolutions, with those of February 17, is in No. 56, folio 447.

On the question to agree to the foregoing act, the yeas and nays being required by Mr. [Jonathan] Arnold,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. White,	ay	} *	Mr. McComb,	ay	} ay
<i>Massachusetts,</i>			Bedford,	ay	}
Mr. Holton,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay	}	Mr. T. S. Lee,	ay	} ay
Gorham,	ay	}	Carroll,	ay	}
Higginson,	no	}	<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	ay	} ay
Mr. Collins,	no	} no	Madison,	ay	}
Arnold,	no	}	Bland,	ay	}
<i>Connecticut,</i>			Mercer,	ay	}
Mr. Ellsworth,	ay	} ay	<i>North Carolina,</i>		
Dyer,	ay	}	Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	}
Mr. Floyd,	ay	} div.	<i>South Carolina,</i>		
Hamilton,	no	}	Mr. Rutledge,	ay	} ay
<i>New Jersey,</i>			Izard,	ay	}
Mr. Boudinot,	ay	} ay	Gervais,	ay	}
Clark,	ay	}			
Condict,	ay	}			
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Peters,	ay	}			

So it was resolved in the affirmative.¹

That the money to arise from the said duty be appropriated and applied to payment of the annual interest at 6 per cent. of the debt due to the army of the U. S. and the surplus from time to time, towards sinking the principal or to payment of the interest and principal of the money which may be borrowed for discharging the said debt to the army, and to no other purpose whatsoever. And that the said duty be continued, until the debts above mentioned shall be fully paid and satisfied.

Negatived.²

That the resolutions of the instant be transmitted to the several states by their Delegates with a circular letter from the President to the Executive of each State, requesting that the said resolu-

¹ Here Charles Thomson resumes the entries in the Journal.

² This motion, undated, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 21.

tions may be immediately laid before the legislature of such State, and that if the legislature should not be sitting when the said resolutions shall be received by the Executive, that they may be called to sit, as soon as possible, in order that they may take the measures necessary for complying with the requisitions of Congress within the time limited for that purpose.¹

The committee of the week [Mr. Benjamin Hawkins, Mr. John Collins, and Mr. Gunning Bedford] report,

That the letter from Darius Stoddard with its enclosures be referred to the Superintendent of finance to report thereon.

That the petition of Lieutenant Ignace Penet be read in Congress.²

MONDAY, APRIL 21, 1783

On a report from the agent of marine, to whom was referred a memorial of John Thompson:

Resolved, That all accounts of persons in the marine department for pay, depreciation or arrearages, be adjusted by the commissioner for settling the accounts of the marine department.³

A letter, of this day, from the Superintendent of finance, was read, enclosing a copy of a letter of the 20, from the Minister of France, requesting the loan of the ship *Duc de Lauzun*, for the purpose of carrying home the French troops now in this country; whereupon,

Ordered, That the said letters be referred back to the Superintendent of finance, and that he take order for complying with the request of the honorable the Minister of France.

¹ This motion, undated, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 23.

² This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 32, folio 469. The indorsement states that it was passed on this day. The letter of Darius Stoddard, dated April 17, asking for a settlement, is in No. 78, XXI, folio 301. According to the record in Committee Book No. 186, it was referred to the Superintendent of Finance on this day, and the memorial of Ignace Penet to the Secretary at War.

On this day, as the indorsement indicates, a memorial, dated Philadelphia, April 18, of John Blake, Joseph Bindon, John Dyer Mercier and Benjamin Thompson, Merchants and Traders formerly of Quebec, was referred to Mr. [Samuel] Osgood, Mr. [Abraham] Clark, and Mr. [James] Madison. It is in No. 41, II, folio 134.

³ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 335.

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [Thomas] Fitzsimmons and Mr. [Stephen] Higginson, to whom was referred a letter of the 11, from the Superintendant of finance:

The Committee to whom was referred the letter from the Supt^d of Finance of the day of ~~August~~ respecting the sale of the ship *Duke D' Lauzun* conceived it to be the wish of Congress that they should inquire into the authority as well as the reasons which induced the Supt^d of Finance to purchase and employ the said Ship. They have made those inquiries accordingly and find that on the 3^d day of ~~August~~ July, 1781, Congress resolved,

"That the Supt^d of Finance be impowered to pursue such measures as he may think proper for exporting and importing goods, money and other articles at the risque and for the account of the United States, at such times and in such manner as he shall deem necessary and useful to the public service."

Which resolution in their opinion fully warranted the purchase and employment of the aforesaid ship.

That upon enquiring into the circumstances which induced the purchase the committee had the fullest information and are perfectly satisfied that the reasons for purchasing the said ship were substantial ones, and her employment intended for the service and interest of the United States; upon this point the committee submit the copies of the several letters furnished them from the office of Finance and recommend,

Resolved, That the Superintendant of finance take order for the sale of the ship *Duc de Lauzun*, after the service for which she is lent to the Minister of France is performed.¹

On the request of Colonel M. Ogden, of the New Jersey line, accompanied with the approbation of the Commander in Chief:

Resolved, That Colonel M. Ogden, of the New Jersey line, have leave to go to Europe.²

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 26, folio 441. According to the indorsement, it was delivered and read April 18. Morris's letter is in folio 443.

² Ogden's letter, dated April 16, is in the *Papers of the Continental Congress*, No. 78. XVII, folio 353. Washington's letter, dated April 7, is on folio 349.

Report of a Committee [Mr. Alexander Hamilton, Mr. James Madison, Mr. Samuel Osgood, Mr. Oliver Ellsworth, Mr. James Wilson] to whom was committed the letter from His Excell^y the President of the State of Pennsylvania respecting a peace with the Indians

Whereas, by the 9th article of the confederation the United States in Congress assembled are vested with the sole and exclusive right and power among other things “of regulating the trade and managing all affairs with the Indians not members of any of the States”—

Resolved, That the general superintendence of Indian affairs under Congress be annexed to the department of war.

That there be ~~an immediate~~ a suspension of offensive hostilities against the Indian nations, and that immediate measures be taken to communicate the same to the several tribes preparatory to a ~~formal~~ final pacification.

That there be four ~~Commissioners~~ Agents appointed for the transaction of affairs with the Indians in the different districts—one for the eastern district comprehending all the tribes under the general denomination of the Penobscot Indians; one for the northern district, comprehending the six nations, and the nations depending on them; one for the western district, comprehending all the tribes under the general denomination of the western Indians; one for the southern district, comprehending all the southern nations; with an allowance not exceeding dollars per annum to each ~~Commissioner~~ Agent.

That ~~immediate~~ measures be taken to purchase articles proper for presents to the Indians to the amount of to be distributed when their deputies shall assemble for the purpose of a treaty of peace.

That in order to a ~~more~~ speedy pacification, till the Commissioners aforesaid can be appointed, a Special Committee be appointed, instructed to endeavour to engage one or more respectable inhabitants for each district acquainted with Indian affairs to undertake the negotiation of ~~a treaty of~~ an immediate peace and that the said Committee digest such further ~~details~~ measures as it will be proper for Congress to take with reference thereto.¹

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 30, folio 173. The indorsement shows that it was read on this day, Monday, April 28, assigned for its consideration, and on August 12, “referred to the committee on peace arrangements, Mr. Holten.” According to the record in Committee Books No. 186 and No. 191, the report was committed, on August 12, to Mr. [James] Duane, Mr. [Ralph] Izard and Mr. [Daniel] Carroll, who reported

TUESDAY, APRIL 22, 1783

On the report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Hugh] Williamson and Mr. [Samuel] Holten,, to whom was referred a letter of 15, from Thomas Edison:

The committee to whom was referred the letter of Tho. Edison, having considered the several acts of Congress respecting him, are of opinion

Resolved, That the Superintendant of finance take order for the discharge of the balance, if any, of the five hundred dollars ordered to Thomas Edison on the 3d of September, 1782, including what he has received since the 23 day of April, 1782.¹

On the report of a committee, consisting of Mr. [Oliver] Ellsworth, Mr. [Hugh] Williamson and Mr. [Abraham] Clark, to whom was referred a letter of 22 June, 1781, from Dr. George Gilmer:

Resolved, That the account of Dr. G. Gilmer for pay and rations, be settled on the same principles as the accounts of other hospital surgeons of the same rank, according to the time he shall appear to have been employed in the public service; and that the purveyor general return to Dr. George Gilmer a quantity of medicine equal to what he expended out of his private stores, for the use of the continental hospital under his care.²

September 19. The Pennsylvania letter, dated April 3, is in No. 69, II, folio 435, and was read and referred April 4.

On this day, as the indorsement indicates, was read a letter from the Superintendent of Finance, stating that he has prospect of getting a person to be Commissioner for the accounts. It is in No. 137, II, folio 339.

Also a letter of April 18 from General Washington. It is in No. 152, XI, folio 219. It was referred to Mr. [Samuel] Osgood, Mr. [Theoderick] Bland, Mr. [Alexander] Hamilton, Mr. [James] Madison, and Mr. [Richard] Peters, and is printed in the *Writings of Washington* (Ford) X, 225.

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 19, II, folio 207. According to the indorsement, it was read in Congress April 18. Edison's letter is in No. 78, VIII, folio 405.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 417. According to the indorsement, it was delivered April 17.

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Hugh] Williamson,

Ordered, That the secretary lay before Congress on every Monday, a list of all the committees which have been appointed at any time before the preceding week, and have not reported; and that such committees be then called on to state the reasons why they have not reported.¹

Congress resumed the consideration of the report of the committee, on the letter from Mr. Pollock:

And on the question, for allowing him a salary of 2000 dollars per annum, as continental agent for five years, the yeas and nays being required by Mr. [Oliver] Ellsworth,

<i>New Hampshire</i> ,			<i>Delaware</i> ,		
Mr. White,	no	}	Mr. McComb,	ay	}
<i>Massachusetts</i> ,			Bedford,	ay	
Mr. Osgood,	no	}	<i>Maryland</i> ,		}
Gorham,	ay		Mr. T. S. Lee,	ay	
Higginson,	no		Carroll,	ay	
<i>Rhode Island</i> ,			Hemsley,	ay	
Mr. Collins,	no	}	<i>Virginia</i> ,		}
Arnold,	no		Mr. Jones,	ay	
<i>Connecticut</i> ,			Madison,	ay	
Mr. Ellsworth,	no	}	Bland,	ay	
<i>New York</i> ,			Mercer,	ay	
Mr. Floyd,	ay	}	<i>North Carolina</i> ,		}
Hamilton,	ay		Mr. Hawkins,	ay	
<i>New Jersey</i> ,			Williamson,	no	
Mr. Boudinot,	ay	}	<i>South Carolina</i> ,		}
Condict,	no		Mr. Rutledge,	ay	
<i>Pennsylvania</i> ,			Izard,	ay	
Mr. Fitzsimmons,	ay	}	Gervais,	ay	
Wilson,	ay				
Peters,	ay				

So the question was lost.

Ordered, That the farther consideration of the report be postponed.]²

¹ This motion, undated, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 303.

² The part in brackets was entered in the Journal by George Bond.

The committee [Mr. James Madison, Mr. Nathaniel Gorham and Mr. Thomas FitzSimons] to whom was referred the letter of the 21st inst, from the Secretary of Foreign Affairs with the letters from Mr. Dana of the 16 and 19 December, Recommend;

That Mr. Dana be instructed to decline entering into any commercial treaty [with the Court of Russia] until the further order of Congress, unless he should have already engaged the faith and honor of the United States for that purpose, and in case negotiations should have proceeded too far to admit of his declining a treaty altogether, and will admit of his limiting the duration of it, that he be informed it is the desire of Congress, that its duration may not exceed the term of 15 years, at the expiration of which both parties will be better judges of the regulations which will be permanently suited to their mutual interests and respective circumstances, [and to stipulate expressly that the same shall be subject to the revisal and approbation of Congress previous to its final conclusion, and that in all matters he insist upon exact reciprocity;]

And that Mr. Dana be permitted to return to America so soon as he can with propriety leave his present situation.¹

The committee [Mr. Alexander Hamilton, Mr. Oliver Ellsworth, Mr. James Wilson] to whom was referred the letter of his Excellency the President of Pennsylvania, to the delegates of that State of the 18th instant,

Report, That in their opinion it is inexpedient for Congress to come to any formal decision on the subject of that letter.²

The committee of the week [Mr. William Hemsley, Mr. Samuel Osgood, and Mr. Stephen Higginson] report,

That the petition of James Alexander setting forth the distressed condition he is in, from not being paid for the pasturage of public horses and horned cattle and a large quantity of hay which he sold the Quarter Master General when he occupied State Island in the year 1780 and 1781, and praying Congress to order such relief as to that Honourable body may appear just and reasonable, be referred to the Superintendant of finance to report.³

¹ This report, in the writing of Thomas FitzSimons, except the portion in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, II, folio 1. It was entered and read on this day, and on Monday, May 19, assigned for consideration on the following day, as the indorsement indicates.

² This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 20, II, folio 152. The indorsement shows that it was delivered this day, read and ordered to be filed. The letter of President Dickinson is on folio 151.

³ This report, in the writing of William Hemsley, is in the *Papers of the Continental Congress*, No. 32, folio 471. By the indorsement it is dated this day. James Alexander's petition, dated Philadelphia, April 18, 1783, is in No. 42, I, folio 51.

Ordered, That a Committee of five be appointed to confer with the Superintendant of finance relative to his continuance in office.

The members, Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Richard] Peters.

Ordered, That a petition of James Alexander and a memorial of John Kirk be referred to the Superintendant of Finance to report.¹

WEDNESDAY, APRIL 23, 1783

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [James] Wilson, Mr. [James] Madison, Mr. [Daniel] Carroll, and Mr. [Hugh] Williamson, to whom was referred a memorial of Brigadier-General Hazen, in behalf of himself, officers and others, Canadian refugees:

The Committee to whom was referred the memorial of General Hazen in behalf of himself, officers and others Canadian Refugees, setting forth that there are now serving in the Regiment under his command officers and men chiefly Refugees from Canada, and not of the proportionate part of any State in the Union.

That exclusive of the aforementioned, there are a considerable number of men women and children refugees from Canada, that receive provisions from the public.

That Congress by their proclamation in the month of January 1776 did invite the people of Canada to join in Arms to oppose the measures of Great Britain pledging the faith of the United States for their protection.

That the said Canadian officers and men have faithfully served seven hard campaigns under less advantageous circumstances on account of pay and cloathing, not being under the patronage of any particular State, than other parts of the army—and praying for a certain tract of land bounded on the Lakes Huron and Eric, as well for a compensation for their losses in Canada as for the services they have rendered the United States.

¹ These orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

On this day, as the indorsement states, the letter, dated April 17, 1783, from John Collins and Jonathan Arnold, delegates from Rhode Island, was read and referred to Mr. [Oliver] Ellsworth, Mr. [Hugh] Williamson, and Mr. [John Lewis] Gervais. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 469. See *post*, May 15.

And also that order may be given for the payment of the Interests due on the certificates of the officers and men in said Regiment.

Your Committee submit the following report:

Resolved, That the memorialist be informed, that Congress retain a lively sense of the services the Canadian officers and men have rendered the United States, and that they are seriously disposed to reward them for their virtuous sufferings in the cause of liberty:

That they be farther informed, that ~~however, the tract of country prayed for in their memorial being claimed by some of the states in the Union Congress cannot interfere at present with those claims but that~~ whenever Congress can consistently make grants of land, they will reward in this way, as far as may be consistent, the officers, men and others, refugees from Canada.

That so much of the memorial as relates to the payment of interest on the certificates of the officers and men, be referred to the Superintendant of finance, to take order.¹

~~On the report of a committee consisting of Mr. Hamilton, Mr. Rutledge and Mr. Gorham to whom was referred a letter of 22 from the Secretary for Foreign Affairs, with a letter, of 14, to him, from Sir Guy Carleton,~~

~~Whereas his Excellency, Sir Guy Carleton has proposed to Congress to "empower one or more persons on behalf of the United States to~~ reconsider

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [James] Madison, and Mr. [Richard] Peters, to whom was referred a letter of the 18, from the Commander in Chief:

Resolved, That in the opinion of Congress, the time of the men engaged to serve during the war, does not expire until the ratification of the definitive treaty of peace:

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, III, folio 99. A copy of the resolutions passed, as an extract from the minutes, is in No. 35, folio 67. Hazen's memorial is in No. 42, III, folio 451; a duplicate is in No. 35, folio 63.

That such of the non-commissioned officers and private soldiers of the above description, as continue in service to that period, shall be allowed their fire arms and accoutrements, as an extra reward for their long and faithful services:

That Congress, nevertheless, leave it to the discretion of the Commander in Chief, if circumstances shall require it, to grant furloughs or discharges to those men, as he may judge most ~~convenient~~ expedient.

The committee request that the sense of Congress be taken whether a committee shall be appointed to proceed to Head Quarters.

The committee farther report that it is the expectation of the army to receive three months' full pay at the time when they are disbanded, or that such ~~permanent~~ effectual provision may be made for that purpose as to insure in a short time afterwards the ~~discharge~~ payment thereof.

That to comply with the expectations of the army will be a work of system and arrangement, and will require a considerable length of time to secure the credit of a paper anticipation.

That the last mentioned is the only plan that can be adopted in present circumstances as the engagements of the Superintendent of Finance have greatly anticipated the funds of the United States.

That as the expectations of the army are reasonable and very moderate and it is the ardent wish of Congress to make them as happy at the time of their retirement as possible, your committee are of opinion that the continuance of the Financier in his office until this shall be effected is necessary as he can at this period render ~~the most~~ important services to the United States.

Upon a consideration of the ~~many~~ embarrassments that must unavoidably ensue in case the Superintendent of Finance leaves the office at the time he has specified, your committee submit ~~the following~~ resolution:

~~Resolved, That Congress being strongly impressed with a sense of the important services the Superintendent of Finance has rendered the United States, he be requested to continue to exercise the duties of his office until he shall have made proper arrangements for advancing to the army three months' pay at the time when they shall be disbanded, or at such short periods afterwards as to satisfy their expectation.~~

[to Congress the propriety of appointing a committee to confer with him on his continuance in office 'till proper arrangements can be carried into effect for advancing to the army three months' pay at the time of its dissolution or at such short subsequent periods as will satisfy their expectations.]¹

Ordered, That the remainder of the report be recommended.

The committee [Mr. Samuel Osgood, Mr. Abraham Clark, Mr. James Madison] to whom was referred the memorial of John Blake and others merchants and traders formerly inhabitants of the Province of Quebec, in behalf of themselves and the other suffering inhabitants from that Province, submit the following report:

Resolved, That the memorialist be informed that Congress entertain a proper sense of the zeal and readiness they have discovered to support the important cause in which the United States were engaged, and of the losses and hardships they must have unavoidably experienced, but that in the present crisis of affairs Congress cannot enter into a particular consideration of the provision to be made for them;

~~In case they are not fully provided for in the definitive treaty of peace~~ Whenever circumstances admit Congress will ~~give proper attention to their representations and~~ endeavour to procure them such provision for their future comfort as may evidence to them fully the sincere disposition Congress have to comply with all their reasonable expectations.²

[Motion of Mr. Theodorick Bland April 23, 1783, referred to Mr. John Rutledge, Mr. Gunning Bedford, Mr. Daniel Carroll, Mr. Stephen Higginson, Mr. James Wilson.]

The United States in Congress Assembled, will, and they do hereby accept the cession of territory, made to them in the act of cession of the legislature of the Commonwealth of Virginia, bearing date the day on the terms and stipulations therein mentioned, except so much thereof as stipulates that the U. S. in Con-

¹ This report, in the writing of Samuel Osgood, the paragraph in brackets being in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, IV, folio 391. According to the indorsement it was referred back to the committee to confer with the Superintendent of Finance respecting his continuance in office.

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, I, folio 389. According to the indorsement it was delivered this day, entered and read; and filed September 9, 1785.

gress assembled shall guarantee to the said Commonwealth the remaining territory contained within the bounds therein described.¹

The Superintendent of Finance to whom was referred the memorial of James Alexander, begs leave to report.

That the claim of the memorialist appears to be just, and that in common with all others having such claims on the United States he ought to be paid, but that there are no funds for that purpose.

That any partial payment would be attended with dangerous consequences because the demands of all are equally just altho they are not all in the same necessitous situation, and therefore,

That altho the memorialist appears to be in very distressing circumstances, which is unfortunately the case with many others, yet no relief can be afforded to him at present.²

The committee [Mr. Theodorick Bland, Mr. Hugh Williamson, and Mr. Benjamin Hawkins] to whom was referred the report from the War Office dated March 3rd, 1783, beg leave to report.

That they have had the said reference under consideration and are of opinion that the recommendation suggested to Congress in the said report will be attended with some advantage to the United States, as well as an accommodation to such officers not belonging to the lines of any State or annexed to a separte corps, and therefore submit the following resolution in lieu of the resolution proposed by the Secretary at War:

~~Resolved, That all those officers of the line of the army who do not belong to the line of any State or separte corps, who may obtain the Commander in Chief's permission and the assent of Congress thereto, to retire from the service, shall be entitled to all the emoluments granted to officers retiring under the resolves of Congress of the 21st October, 1780.~~

That all those officers of the line of the army below the rank of Brigadier who are entitled as such to receive from the U. S. any benefit, salary, fee or emolument of any kind, and who do not belong to the line of any State or separate corps, who may obtain the Commander in Chief's permission to retire from service shall be entitled to all the emoluments granted to officers retiring under the resolves of Congress of the 21 October, 1780.³

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 30, folio 579. The indorsement shows that it was presented on this day, and referred as above indicated.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 347. The indorsement states that it was entered and read on this day.

³ This report, in the writing of Theodorick Bland for the first two paragraphs and of Hugh Williamson for the third, is in the *Papers of the Continental Congress*, No. 149, II, folio 449. According to the indorsement it was read on this day.

Resolved, That the Secretary at War in conjunction with the Commander of the Southern Army take ~~order~~ preparatory arrangements for ~~conveying~~ removing the lines of Virginia, Maryland and Pennsylvania now with the Southern Army to such places within their respective states as they shall think proper ~~till the further order of Congress~~ as soon as circumstances will permit.¹

The committee [Mr. Samuel Osgood, Mr. Alexander Hamilton and Mr. Abraham Clark] to whom was referred the Representations of Maurice Desdevens setting forth that no provision is made in the preliminary articles signed the 30th of November by the Commissioners of the United States of America, and Mr. Oswald on the part of his Britannick Majesty for the Canadians who have left their country and are in the service of the United States, &c., report as their opinion that ~~it is not possible~~ Congress are not yet in possession of sufficient documents to enter into a consideration of the matters contained in the representation.²

OFFICE OF FINANCE, 23rd April, 1783.

SIR,

On the twenty first of February 1782 Congress were pleased to approve of the Establishment of a Mint and to direct the Superintendent of Finance to prepare and report a Plan for conducting it. This matter has been delayed by various Circumstances until the present Moment. I now enclose Specimens of a Coin with a view that if Congress should think proper to appoint a Committee on the Subject, I may have the Honor of conferring with them, and explaining my Ideas of the Plan for establishing and conducting a Mint. Such Plan when reported by a Committee will more probably meet the Ideas of Congress than any which I might prepare.³

¹ This motion, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 59. It is undated, but the indorsement shows that it was the motion of Mr. [Alexander] Hamilton, and that it was referred, on April 23, to Mr. [Thomas] FitzSimons, Mr. [Oliver] Ellsworth and Mr. [Alexander] Hamilton.

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 35, folio 217. It is undated, but refers to the representation of Desdevens of March 18, which, according to Committee Book No. 186, was committed March 26 and reported April 23.

³ This report, as the indorsement indicates, was read on this day and referred to Mr. [Nathaniel] Gorham, Mr. [Oliver] Ellsworth, Mr. [Thomas] FitzSimons, Mr. [William] Hemsley and Mr. [Ralph] Izard. It is in the *Papers of the Continental Congress*, No. 137, II, folio 355. The committee of December 19, 1782, on the report of December 12 from the Superintendent of finance for settling the rate of foreign coin was discharged, and the business referred to the committee on his letter of April 23, 1783. On July 23, according to Committee Book No. 186, the committee was renewed, and both reports committed to Mr. [Thomas] FitzSimons, Mr. [Ralph] Izard, Mr. [Stephen] Higginson, Mr. [James] Duane and Mr. [James] Madison.

THURSDAY, APRIL 24, 1783

A memorial of Ignace Penet, late a lieutenant in Colonel Armand's corps, and a report from the Secretary at War thereon, being read:

On motion of Mr. [Samuel] Osgood, seconded by Mr. [Alexander] Hamilton,

Ordered, That the memorial be referred to the Superintendent of finance, and that it be left to his discretion to act therein as he may conceive most proper.

The Secretary for Foreign affairs, having communicated to Congress a letter of 14 April to him from Sir Guy Carleton:

The Committee [Mr. Alexander Hamilton, Mr. John Rutledge and Mr. Nathaniel Gorham] on the letter of the 14th Instant from His Excellency Sir Guy Carleton submit the following Resolution,

Whereas his Excellency Sir Guy Carleton has proposed to Congress to empower one or more persons on behalf of the United States to be present at New York and to assist such persons as shall be appointed by him to inspect and superintend all embarkations which the evacuation of that place may require and to represent to him every infraction of the letter or spirit of the 7th article of the Treaty entered into between the United States and his Britannic Majesty the 30th day of November last that redress may be immediately ordered,

Therefore Resolved, That three Commissioners be appointed for the purpose abovementioned.¹

Ordered, That the said letter from Sir Guy Carleton, be referred to the Commander in Chief, and that he take such measures for carrying into effect the several matters therein mentioned, as to him shall seem expedient.

On motion of Mr. [John Lewis] Gervais, seconded by Mr. [Hugh] Williamson,

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 25, II, folio 209. According to the indorsement it was read on April 22. According to the record in Committee Book No. 186, the committee was appointed April 22, and reported the same day.

Ordered, That the memorial of Lieutenant Liston, praying for 200 dollars, on account of pay due to him, that he may be enabled to return to South Carolina, be referred to the Superintendant of finance, and that it be left to his discretion to act therein as he may conceive most proper.¹

On the report of a committee, consisting of Mr. [Thomas] Fitzsimmons, Mr. [Oliver] Ellsworth, and Mr. [Alexander] Hamilton, to whom was referred a motion of Mr. [Alexander] Hamilton relative to the southern army:

Resolved, That the Secretary at War and the Superintendant of finance, take immediate measures for removing the lines of Virginia, Maryland and Pennsylvania, [together with the corps of artillery and cavalry] now under the command of Major General Greene, to such places within their respective states as they shall think proper.

~~and that they concert with General Greene the necessary measures for disbanding the troops of No. Carolina and So. Carolina so soon as circumstances will permit²~~

On the question to agree to the above resolution, the yeas and nays being required by Mr. [John] Rutledge,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. White,	ay	}	Mr. Boudinot,	ay	} ay
<i>Massachusetts,</i>			Clark,	ay	
Mr. Osgood,	ay	} ay	Condict,	ay	
Gorham,	ay		<i>Pennsylvania,</i>		
Higginson,	ay		Mr. Mifflin,	ay	} ay
<i>Rhode Island,</i>			Fitzsimmons,	ay	
Mr. Collins,	ay	} ay	<i>Delaware,</i>		
Arnold,	ay		Mr. McComb,	ay	} ay
<i>Connecticut,</i>			Bedford,	ay	
Mr. Ellsworth,	ay	}	<i>Maryland,</i>		
<i>New York,</i>			Mr. Carroll,	ay	} ay
Mr. Floyd,	ay	} ay	Hemsley,	ay	
Hamilton,	ay				

¹ See *ante*, February 26.

² This report, in the writing of Thomas FitzSimons, except the words in brackets which are in the handwriting of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 21, folio 339. The vote is indorsed on the report.

<i>Virginia,</i>			<i>North Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Hawkins,	ay	} ay
Madison,	ay		Williamson,	ay	
Bland,	no		<i>South Carolina,</i>		
Lee,	ay		Mr. Rutledge,	no	} no
Mercer,	no		Izard,	no	
		Gervais,	no		

So it was resolved in the affirmative.¹

FRIDAY, APRIL 25, 1783.

Ordered, That a motion of Mr. Clark respecting certificates issued at the Treasury Office be referred to the Superintendant of Finance.²

That all certificates which may in future be issued from the Treasury Office on liquidated debts, be made payable to the bearer and transferable, in the same manner as certificates heretofore issued for money loaned; and that all certificates which may have been issued transferable only in the Treasury Office be renewed in manner above-said upon application of the present holders, and their returning those of the last description they at present hold.³

¹ On this day, as the indorsement states, was read a memorial of William Trent, dated Philadelphia, April 17, 1783, in behalf of himself and others, proprietors of a tract of land called Indiana. It is in the *Papers of the Continental Congress*, No. 41, X, folio 99-103.

Also on this day, as the indorsement indicates, a letter of April 24, of William Geddes relative to the accounts of John Sandford Dart, was referred to Mr. [William] Hemsley, Mr. [Benjamin] Hawkins and Mr. [Thomas] FitzSimons. It is in No. 78, X, folio 415. Committee Book, No. 186, states that the committee reported April 26. See *post* April 30.

Also a letter of April 24 from the Secretary at War enclosing a letter of April 10, from Captain Jonathan Lawrence. It is No. 149, II, folio 457, and Lawrence's Letter is on folio 453.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

³ This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, II, folio 63. According to the record in Committee Books No. 186 and No. 191, the report of the Superintendent of Finance, delivered August 5, 1783, was committed, January 6, 1784, to Mr. [Elbridge] Gerry, Mr. [William] Ellery, and Mr. [Hugh] Williamson. Their report, delivered February 2, was acted upon April 15, 1784.

SATURDAY, APRIL 26, 1783

The committee consisting of Mr. [James] Madison, Mr. [Oliver] Ellsworth and Mr. [Alexander] Hamilton, appointed to prepare an address to the states, to accompany the act of the 18th of this month, reported a draught, which being read and amended, was agreed to as follows:

ADDRESS TO THE STATES, BY THE UNITED STATES IN CONGRESS
ASSEMBLED.

The prospect which has for some time existed, and which is now happily realized, of a successful termination of the war, together with the critical exigencies of public affairs, have made it the duty of Congress to review and provide for the debts which the war has left upon the United States, and to look forward to the means of obviating dangers which may interrupt the harmony and tranquillity of the Confederacy. The result of their mature and solemn deliberations on these great objects, is contained in their several recommendations of the 18th instant herewith transmitted. Although these recommendations speak themselves the principles on which they are founded, as well as the ends which they propose, it will not be improper to enter into a few explanations and remarks, in order to place in a stronger view the necessity of complying with them.

The first measure recommended is effectual provision for the debts of the United States. The amount of these debts, as far as they can now be ascertained, is forty-two millions three hundred and seventy-five dollars, as will appear by the schedule No. 1. To discharge the principal of this aggregate debt at once, or in any short period, is evidently not within the compass of our resources; and even if it could be accomplished, ~~both the true interest and~~ the ease of the community would require that the debt itself should be left to a course of gradual extinguishment, and certain funds be provided for paying, in the mean time, the annual interest. The amount of the annual interest, as will appear by the paper last referred to, is computed to be two million four hundred and fifteen thousand nine hundred and fifty-six dollars. Funds, therefore, which will certainly and punctually produce this annual sum at least, must be provided.

In devising these funds, Congress did not overlook the mode of supplying the common treasury, provided by the Articles of Confederation; but after the most respectful consideration of that mode,

they were constrained to regard it as inadequate and inapplicable to the form into which the public debt must be thrown. The delays and uncertainties incident to a revenue to be established and collected, from time to time, by thirteen independent authorities, is at first view irreconcilable with the punctuality essential in the discharge of the interest of a national debt. ~~of which the principal cannot be discharged~~ Our own experience, after making every allowance for transient impediments, has been a sufficient illustration of this truth. Some departure, therefore, in the recommendations of Congress, from the federal constitution, was unavoidable; but it will be found to be as small as could be reconciled with the object in view, and to be supported besides by solid considerations of interest and sound policy.

The fund which first presented itself on this, as it did on a former occasion, was a tax on imports. The reasons which recommended this branch of revenue, have heretofore been stated in an act, of which a copy, No. 2, is now forwarded, and need not be here repeated. It will suffice to recapitulate, that taxes on consumption are always least burdensome, because they are least felt, and are borne, too, by those who are both willing and able to pay them; that, of all taxes on consumption, those on foreign commerce are most compatible with the genius and policy of free states; that from the relative positions of some of the more commercial states, it will be impossible to bring this essential resource into use without a concerted uniformity; that this uniformity cannot be concerted through any channel so properly as through Congress, nor for any purpose so aptly as for paying the debts of a revolution, from which an unbounded freedom has accrued to commerce.

In renewing this proposition to the states, we have not been unmindful of the objections which heretofore frustrated the unanimous adoption of it. We have limited the duration of the revenue to the term of twenty-five years; and we have left to the states themselves the appointment of the officers who are to collect it. If the strict maxims of national credit alone were to be consulted, the revenue ought manifestly to be co-existent with the object of it, and the collection placed in every respect under that authority which is to dispense the former, and is responsible for the latter. These relaxations will, we trust, be regarded on one hand, as the effect of a disposition in Congress to attend at all times to the sentiments of those whom they serve, and on the other hand, as a proof of their anxious desire that provision may be made in some way or other for an hon-

orable and just fulfilment of the engagements which they have formed.

To render this fund as productive as possible, and at the same time to narrow the room for collusions and frauds, it has been judged an improvement of the plan, to recommend a liberal duty on such articles as are most susceptible of a tax according to their quantity, and are of most equal and general consumption; leaving all other articles, as heretofore proposed, to be taxed according to their value.

The amount of this fund is computed to be 915,956 dollars. The estimates on which the computation is made are detailed in paper No. 3. Accuracy in the first essay on so complex and fluctuating a subject is not to be expected. It is presumed to be as near the truth as the defect of proper materials would admit.

The residue of the computed interest is 1,500,000 dollars, and is referred to the states to be provided for by such funds as they may judge most convenient. Here again the strict maxims of public credit gave way to the desire of Congress to conform to the sentiments of their constituents. It ought not to be omitted, however, with respect to this portion of the revenue, that the mode in which it is to be supplied varies so little from that pointed out in the Articles of Confederation, and the variations are so conducive to the great object proposed, that a ready and unqualified compliance on the part of the states may be the more justly expected. In fixing the quotas of this sum, Congress, as may be well imagined, were guided by very imperfect lights, and some inequalities may consequently have ensued. These, however, can be but temporary, and as far as they may exist at all, will be redressed by a retrospective adjustment, as soon as a constitutional rule can be applied.

The necessity of making the two foregoing provisions one indivisible and irrevocable act, is apparent. Without the first quality, partial provision only might be made where complete provision is essential; nay, as some states might prefer and adopt one of the funds only, and the other states the other fund only, it might happen that no provision at all would be made: without the second a single State out of the thirteen might at any time involve the nation in bankruptcy, the mere practicability of which would be a fatal bar to the establishment of national credit. Instead of enlarging on these topics, two observations are submitted to the justice and wisdom of the legislatures. First, the present creditors, or rather the domestic part of them, having either made their loans for a period which has expired, or having become creditors in the first

instance involuntarily, are entitled on the clear principles of justice and good faith, to demand the principal of their credits, instead of accepting the annual interest. It is necessary therefore, as the principal cannot be paid to them on demand, that the interest should be so effectually and satisfactorily secured, as to enable them, if they incline, to transfer their stock at its full value. Secondly, if the funds be so firmly constituted as to inspire a thorough and universal confidence ~~abroad as well as at home~~ may it not be hoped, that the capital of the domestic debt, which bears the high interest of six per cent. may be cancelled by other loans obtained at a more moderate interest? The saving by such an operation, would be a clear one, and might be a considerable one. [As a proof of the necessity of substantial funds for the support of our credit abroad, we refer to paper No. 4.]¹

Thus much for the interest of the national debt: for the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce, on requisitions to be made, from time to time, for that purpose, as circumstances may dictate, and on the prospect of vacant territory. If these resources should prove inadequate, it will be necessary, at the expiration of twenty-five years, to continue the funds now recommended, or to establish such others as may then be found more convenient.

With a view to the resource last mentioned, as well as to obviate disagreeable controversies and confusions, Congress have included in their present recommendations, a renewal of those of the 6 day of September, and of the 10 day of October, 1780. In both those respects, a liberal and final accommodation of all interfering claims of vacant territory, is an object which cannot be pressed with too much solicitude.

The last object recommended is a constitutional change of the rule by which a partition of the common burdens is to be made. The expediency, and even necessity of such a change, has been sufficiently enforced by the local injustice and ~~complaints~~ discontents which have proceeded from valuations of the soil in every State where the experiment has been made. But how infinitely must these evils be increased, on a comparison of such valuations among the States themselves! On whatever side indeed this rule be surveyed, the execution of it must be attended with the most serious difficulties. If the valuations be referred to the authorities of the several States,

¹ The words in brackets, in the report, are in the writing of George Bond, Deputy Secretary.

a general satisfaction is not to be hoped for: If they be executed by officers of the United States traversing the country for that purpose, besides the inequalities against which this mode would be no security, the expence would be both enormous and obnoxious: If the mode taken in the act of the 17th day of February last, which was deemed on the whole least objectionable, be adhered to, still the insufficiency of the data to the purpose to which they are to be applied, must greatly impair, if not utterly destroy all confidence in the accuracy of the result; not to mention that as far as the result can be at all a just one, it will be indebted for the advantage to the principle on which the rule proposed to be substituted is founded. This rule, although not free from objections, is liable to fewer than any other that could be devised. The only material difficulty which attended it in the deliberations of Congress, was to fix the proper difference between the labour and industry of free inhabitants, and of all other inhabitants. The ratio ultimately agreed on was the effect of mutual concessions; and if it should be supposed not to correspond precisely with the fact, no doubt ought to be entertained that an equal spirit of accommodation among the several legislatures will prevail against little inequalities which may be calculated on one side or on the other. But notwithstanding the confidence of Congress, as to the success of this proposition, it is their duty to recollect that the event may possibly disappoint them, and to request that measures may still be pursued for obtaining and transmitting the information called for in the act of the 17 of February last, which in such event will be essential.

The plan thus communicated and explained by Congress, must now receive its fate from their constituents. All the objects comprised in it are conceived to be of great importance to the happiness of this confederated republic, are necessary to render the fruits of the Revolution a full reward for the blood, the toils, the cares and the calamities which have purchased it. But the object of which the necessity will be peculiarly felt, and which it is peculiarly the duty of Congress to inculcate, is the provision recommended for the national debt. Although this debt is greater than could have been wished, it is still less on the whole than could have been expected, and when referred to the cause in which it has been incurred, and compared with the burdens which wars of ambition and of vain glory have entailed on other nations, ought to be borne not only with cheerfulness but with pride. But the magnitude of the debt makes no part of the question. It is sufficient that the debt has been

fairly contracted and that justice and the public good faith demand that it should be fully discharged. Congress had no option but between different modes of discharging it. The same option is the only one that can exist with the states. The mode which has, after long and elaborate discussion, been preferred, is, we are persuaded, the least objectionable of any that would have been equal to the purpose. Under this persuasion, we ~~entreat and conjure the several~~ call upon the justice and plighted faith of the several states to give it its proper effect, to reflect on the consequences of rejecting it, and to remember that Congress will not be answerable for them.

If other motives than that of justice could be requisite on this occasion, no nation could ever feel stronger; for to whom are the debts to be paid?

TO AN ALLY, in the first place, who to the exertion of his arms in support of our cause, has added the succours of his treasure; who, to his important loans, has added liberal donations; and whose loans themselves carry the impression of his magnanimity and friendship. For more exact information on this point we refer to paper No. 5.

To *individuals in a foreign country*, in the next place, who were the first to give so precious a token of their confidence in our justice, and of their friendship for our cause, and who are members of a republic which was second in espousing our rank among nations. For the claims and expectations of this class of creditors we refer to paper No. 6.

Another class of creditors is *that illustrious and patriotic band of fellow-citizens*, whose blood and whose bravery have defended the liberties of their country, who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them; and who, even now, ask for no more than such a portion of their dues as will enable them to retire from the field of victory and glory, into the bosom of peace and private citizenship, and for such effectual security for the residue of their claims as their country is now unquestionably able to provide. For a full view of their sentiments and wishes on this subject, we transmit the paper No. 7; and as a fresh and lively instance of their superiority to every species of seduction from the paths of virtue and honor, we add the paper No. 8.

The remaining class of public creditors is composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose

property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors, would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favour of some than of others, the voice of policy, no less than of justice, pleads in favour of all. A wise nation will never permit those who relieve the wants of their country, or who rely most on its faith, its firmness and its resources, when either of them is distrusted, to suffer by the event.

Let it be remembered finally, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of the author of these rights, on the means exerted for their defence, they have prevailed against all opposition, and form ~~at this time~~ the basis of thirteen independent states. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of Republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all the other ~~virtues~~ qualities which ennoble the character of a nation, and fulfil the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot ~~fail to~~ but have the most favourable influence on the rights of mankind. If on the other side, our governments should be unfortunately blotted with the reverse of these cardinal and essential ~~qualities~~ virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment in favour of the rights of human nature will be turned against them, and their patrons and friends exposed to be insulted and silenced by the ~~sycephants~~ votaries of tyranny and usurpation.

By order of the United States in Congress assembled.¹

MONDAY, APRIL 28, 1783

The committee, consisting of Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Richard] Peters, appointed to confer with

¹ This report, in the writing of James Madison, except as noted, is in the *Papers of the Continental Congress*, No. 24, folio 335. It is indorsed in the handwriting of Madison.

the Superintendant of finance respecting his continuance in office, report,

That they have conferred with him accordingly and that the substance of the conference was on the part of Mr. Morris as follows:

("That his continuance in office was highly injurious to his private affairs and contrary to his private inclinations, but that he felt the importance of the exertions necessary to be made at the present juncture towards the reduction of the army in a manner satisfactory to them and convenient to the public; that therefore if Congress should think his services towards effecting that object of importance and should desire them, he would be ready to continue them till arrangements for that purpose could be made and the engagements taken by him in consequence as well as those already entered into could be finally compleated. That in this case he should ~~expect~~ hope for the ~~steady~~ support of Congress."

~~He also observed that it would be essential for Congress to endeavour to stimulate the most vigorous exertions of the states towards raising the necessary supplies of money, and that it would be proper to reiterate an application to the Court of France for an addition of at least four millions to the six millions lately granted. Whereupon the committee submit the following resolution:~~

~~That the Superintendant of Finance be informed that it is the wish of Congress he should continue in office for the purposes above mentioned)~~

Whereupon;

Resolved, That the Superintendant of Finance be ~~requested to continue in office~~ [informed that Congress are of opinion the public service requires his continuance in office till arrangements] for the reduction of the army can be made and the engagements that shall be taken by him in conse-

quence as well as those already entered into shall be finally completed.¹

TUESDAY, APRIL 29, 1783

The papers referred to in the address of the 26th and which are to accompany it, are as follows:

PAPER, No. I

An Estimate of the National Debt, viz:

	Livres.	Dollars.
Due to the farmers general of France,	1, 000, 000	
To individuals in France on unliquidated accounts, estimated,	3, 000, 000	
To the Crown of France, including a loan of ten millions borrowed in Holland, and for which France is guarantee,	28, 000, 000	
To ditto, a loan, for 1783,	6, 000, 000	
	38, 000, 000	
	at 5 livres 8 sous per dol.	7, 037, 037

¹ This report, is in the *Papers of the Continental Congress*, No. 19, IV, folios 387 and 389. The part in parentheses is in the writing of Alexander Hamilton; that in brackets, in the writing of Elias Boudinot; the rest in the writing of Samuel Osgood.

On this day, as the indorsement indicates, a memorial dated Philadelphia, April 25, of John Durham Alvey was referred to Mr. [Hugh] Williamson &c., the committee on the post office. It is in No. 41, I, folio 85. Another memorial from him dated April 21 is on folio 87.

On this day, according to the indorsement, and to entries in Committee Book No. 186, the letter of August 4, 1782, from the Governor of New York, which had been referred, August 15, 1782, to a Grand Committee, was recommitted to Mr. [Oliver] Ellsworth, Mr. [Daniel] Carroll, Mr. [James] Wilson, Mr. [Nathaniel] Gorham and Mr. [Alexander] Hamilton. On July 23 the committee was renewed, and the letter committed to Mr. [Alexander] Hamilton, Mr. [Richard] Peters, Mr. [James] McHenry, Mr. [Ralph] Izard and Mr. [James] Duane, and on July 30 Hamilton was replaced by Mr. [Samuel] Huntington. The committee reported September 2. The Governor's letter, which enclosed concurrent resolutions of the legislature of New York, July 20 and 21, 1782, for augmenting the powers of Congress, is in No. 78, VI, folio 139.

Also on this day a letter of April 23 from Lieutenant Colonel du Cambray requesting a brevet of Colonel, was read. It was referred to Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton and Mr. [Richard] Peters. It is in No. 78, VI, folio 175. Committee Book, No. 186, says the committee reported April 30th. See *post*, May 2.

To lenders in Holland, received in part of the loan contracted for by Mr. J. Adams, 1,678,000 florins,	671, 200
Borrowed in Spain by Mr. Jay,	150, 000
One year's interest of Dutch loan of 10,- 000,000 livres,	26, 848

Foreign debt, 1 January, 1783,	7, 885, 085
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Domestic Debt:

On loan-office certificates, reduced to specie value,	11, 463, 802	
Interest unpaid for 1781,	190, 000	
Ditto 1782,	687, 828	
Credit to sundries in treasury books,	638, 042	
Army debt to 31 December, 1782,	5, 635, 618	
Unliquidated debt, estimated at,	8, 000, 000	
Commutation to the army, agreeable to the act of 22 March last,	5, 000, 000	
Bounty due to privates,	500, 000	
Deficiencies in 1783, suppose	2, 000, 000	
		34, 115, 290
Total debt,	42, 000, 375	

Annual Interest of the debt of the United States:

On the foreign debt, part at 4 and part at 5 per cent.	369, 038. 6
On the domestic debt, at 6 per cent.	2, 046, 917. 4
	2, 415, 956

PAPER, No. II

The letter of the 16 of December last to the governor of Rhode Island and Providence Plantations, as entered on the Journal of that day.

PAPER, No. III

An estimate of the produce of the impost on imported articles:

Before the war the exports from Great Britain to America were estimated at three and a half millions sterling, in which was included

¹ This estimate was also entered in the Book of Estimates, No. 12. Another estimate of the public debt in the writing of Thomas FitzSimons is in the *Papers of the Continental Congress*, No. 26, folio 403. The interest, however, on the foreign debt is computed at 4%, and gives the amount as \$315,403.

tea; but there were importations from Ireland and Scotland, as well as from Holland, not included in that estimate. It is now thought best, to estimate the imports of all goods from Europe, exclusive of tea, brandy and wine, at £3,500,000 sterling, at 4s. 6d. per dollar, is 15,555,554 dollars, impost of five per cent. ad valorem, 777,773

On 2,000,000 gallons rum and other spirits,	3-90ths per gallon,	66,666 60-90
100,000 ditto Madeira wine,	12-90	13,333 30-90
600,000 ditto other wine,	6-90	40,000
300,000 lb. bohea tea,	6-90	20,000
25,000 do. other teas,	24-90	6,666
75,000 cwt. of sugar, (including loaf,)	56-90	46,666
200,000 lb. coffee and cocoæ,	1-90	2,222
2,000,000 gallons molasses,	1-90	22,223
		<hr/>
		995,550
Deduct for collection, about 8 per cent.		79,594
		<hr/>
Net revenue upon this estimate,		915,956
		<hr/>

There are no precise data from which this computation could be made with any degree of certainty. The number of inhabitants has governed in part, and the imports of particular articles into the port of Philadelphia have been attended to.

The exactitude of the computation is of the less consequence, as the act of the 16 December, 1782, provides, that if the revenue shall at any time exceed the annual interest, the residue shall form a sinking fund for the discharge of the principal; and if it shall be found insufficient, the states will be called upon to enlarge their grants of revenue.

PAPER NO. IV

Extract of a letter from the hon. B. Franklin to the Superintendent of finance, dated 23 December, 1782, and a letter of 15 March, 1783, to the same, from the hon. the Minister Plenipotentiary of France, as follow:

PASSY, *December 23, 1782.*

Friday last order was given to furnish me with 600,000 livres immediately, and I was answered by M. de Vergennes, that the rest of the 6,000,000 should be paid in quarterly in the course of 1783.

I pressed hard for the whole sum demanded, but was told it was impossible.

Our people certainly ought to do more for themselves. It is absurd the pretending to be lovers of liberty while they grudge paying for the defence of it. It is said here, that an impost of five per cent. on all goods imported, though a most reasonable proposition, had

not been agreed to by all the states, and was therefore frustrated; and that your newspapers acquaint the world with this, with the non-payment of taxes by the people, and with the non-payment of interest to the creditors of the public.

The knowledge of these things has hurt our credit and the loan in Holland, and would prevent our getting any thing here but from government. The foundation for credit abroad should be laid at home; and certain funds should be prepared and established beforehand, for the regular payment at least of the interest.

I am &c.

(Signed) B. FRANKLIN.¹

Letter from the hon^{ble} the Minister of France to R. Morris, Esq^r Superintendent of the finances of the United States.

PHILADELPHIA *the 15 March, 1783.*

SIR, I have the satisfaction to inform you that his Majesty procures for the United States a loan of six millions, to be employed in the war department during the course of the current year. While I announce to you this new mark of the king's friendship for the United States, I must go into some details which relate to your operations, and which will inform you of the motives which have induced his Majesty to make a new effort in favor of his allies.

During the last year, sir, I rendered an account to his Majesty's ministers of the order which appeared to me to be introduced into your department, of the re-establishment of public credit, and of the œconomy which accompanied your operations. I added, that I considered the establishment of a general revenue for paying the interest and gradual redemption of the principal of the public debt, as extremely probable. The delays and difficulties of communication would not permit me to wait until that operation was completed by the different legislatures, before I declared the wants of the United States; and therefore I undertook to write to the Count de Vergennes, that the disposition of the people to fulfil the engagements taken and to be taken by Congress, seemed to me sufficiently favorable to determine his Majesty to lend for the year, new succour to the United States if the situation of his finances would permit. These assurances obtained the loan of six millions; but the event has proved that I was deceived in the hopes which I thought myself enabled to give my court; and the affairs of your finances, far from

¹ The letter from which these extracts are made is printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton) VI, 159.

being bettered since the month of September, the period at which my letters on this subject were written, have on the contrary gone backward; so that I perceive no certainty of the reimbursement of the sums formerly lent, or of those which now are so. Thus, sir, my hasty assurances have induced his Majesty to make that advance, and in the moment when I am informed of it, I am under the disagreeable necessity of informing his Minister that the hopes I had given are vanished, and that my assurances were without foundation. I will say nothing of the personal embarrassment which I am reduced to by these circumstances; but I will take the liberty to observe, that the best remedy in the present conjuncture is, to take as soon as possible those measures which were not taken when I announced them.

The Count de Vergennes informs me, sir, that the six millions are lent to the United States in the same manner and under the same conditions with the sum which was lent last year. That is to say, that it shall be paid monthly, at the rate of five hundred thousand livres per month. But as it appears from what you did me the honor to write on a former occasion, that you had anticipated a part of this subsidy, I must pray you to consider, that the first months of this year will have been employed in payment of those anticipations, and that it will be proper so to combine your drafts, as that they shall not be presented but at the monthly periods in which the funds are to be provided.

I have had the honor to inform you, sir, that this money is lent to the United States to enable them to carry on the war. The wisdom of Congress will determine according to circumstances, on the manner of effecting that important object, and of compelling the enemy by joint efforts to conclude a solid and permanent peace.

It remains for me to inform you, sir, that the king was unable to make this last effort without extreme difficulty. I have had the honor to communicate those which oppose considerable loans. They are so great, that I am commanded to inform you, in the most positive terms, that it will be impossible for the king, in any case whatever, to obtain new advances for Congress for the next year. As to the resources which you may seek elsewhere than in France, the details contained in those letters which I had the honor to read to you, will not permit a hope of success until the United States shall have established a permanent public revenue; and the delay and repugnancy with which they proceed in that business being known in Europe, the disposition to lend money to Congress ceases.

Lenders place their money elsewhere: those speculations which would have been directed towards the United States take a different turn, and it will be extremely difficult to bring them back.

I abstain from repeating here the other parts of the Count de Vergennes's despatches, which I had the honor to communicate, because the truths they contain are well known to you, and because they may all be reduced to this single position, that *without a speedy establishment of solid general revenue, and an exact performance of the engagements which Congress have made, you must renounce the expectation of loans in Europe.*

I am ordered also, sir, to inform Congress, that my court expect they will have taken final and satisfactory measures to secure payment of the interest of the debt contracted with his Majesty by the United States; but I content myself with communicating this circumstance to you, and before announcing it directly to Congress, I will wait till their present embarrassments shall be diminished.

From these details, sir, you will be able to judge of the impossibility of negotiating bills upon your plenipotentiaries beyond the funds which remain free from the six millions lent this year. It is very clear, that such bills will not be paid by us; and it is from perfect confidence in your regularity upon that subject, that I shall assure the Count de Vergennes, he may be certain no demand will be made on him beyond the sums already granted.

I have the honor to be, &c.

(Signed) LE CHIV^e DE LA LUZERNE.¹

PAPER No. V

The contract between his most Christian majesty and the United States of America, entered into by the Count de Vergennes and Mr. Franklin 16 July, 1782, and ratified by Congress the 22 day of January, 1783, as entered on record in the Secretary's office.

PAPER No. VI

The contract entered into by the hon^{ble} J. Adams in behalf of the United States with sundries for a loan of 5 million of florins.

PAPER No. VII

The memorial from the officers of the army.

¹ A different translation of this letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, 301.

To the United States in Congress assembled.

The address and petition of the officers of the army of the United States,

Humbly sheweth, that we, the officers of the army of the United States, in behalf of ourselves and our brethren the soldiers, beg leave, with all proper deference and respect, freely to state to Congress, the supreme power of the United States, the great distress under which we labor.

At this period of the war it is with peculiar pain we find ourselves constrained to address your august body, on matters of a pecuniary nature. We have struggled with our difficulties, year after year, under the hopes that each would be the last; but we have been disappointed. We find our embarrassments thicken so fast, and have become so complex, that many of us are unable to go further. In this exigence we apply to Congress for relief as our head and sovereign.

To prove that our hardships are exceedingly disproportionate to those of any other citizens of America, let a recurrence be had to the paymaster's accompts, for four years past. If to this it should be objected, that the respective states have made settlements, and given securities for the pay due, for part of that time, let the present value of those nominal obligations be ascertained by the monied men, and they will be found to be worth little indeed; and yet, trifling as they are, many have been under the sad necessity of parting with them, to prevent their families from actually starving.

We complain that shadows have been offered to us while the substance has been gleaned by others.

Our situation compels us to search for the cause of our extreme poverty. The citizens murmur at the greatness of their taxes, and are astonished that no part reaches the army. The numerous demands, which are between the first collectors and the soldiers, swallow up the whole.

Our distresses are now brought to a point. We have borne all that men can bear—our property is expended—our private resources are at an end, and our friends are wearied out and disgusted with our incessant applications. We, therefore, most seriously and earnestly beg, that a supply of money may be forwarded to the army as soon as possible. The uneasiness of the soldiers, for want of pay, is great and dangerous; any further experiments on their patience may have fatal effects.

The promised subsistence or ration of provisions consisted of certain articles specified in kind and quantity. This ration, without regard, that we can conceive, to the health of the troops, has been

frequently altered, as necessity or conveniency suggested, generally losing by the change some part of its substance. On an average, not more than seven or eight-tenths have been issued; the retained parts were, for a short time, paid for; but the business became troublesome to those who were to execute it. For this, or some other reasons, all regard to the dues, as they respected the soldiers, has been discontinued (now and then a trifling gratuity excepted). As these dues respected the officers, they were compensated, during one year and part of another, by an extra ration; as to the retained rations, the account for several years remains unsettled; there is a large balance due upon it, and a considerable sum for that of forage.

The clothing was another part of the soldier's hire. The arrearages on that score, for the year 1777, were paid off in continental money, when the dollar was worth about four-pence; the arrearages for the following years are unliquidated, and we apprehend scarcely thought of but by the army. Whenever there has been a real want of means, any defect in system, or neglect in execution, in the departments of the army, we have invariably been the sufferers, by hunger and nakedness, and by languishing in an hospital.

We beg leave to urge an immediate adjustment of all dues; that as great a part as possible be paid, and the remainder put on such a footing as will restore cheerfulness to the army, revive confidence in the justice and generosity of its constituents, and contribute to the very desirable effect of re-establishing public credit.

We are grieved to find that our brethren, who retired from service on half-pay, under the resolution of Congress in 1780, are not only destitute of any effectual provision, but are become the objects of obloquy. Their condition has a very discouraging aspect on us who must sooner or later retire, and from every consideration of justice, gratitude and policy, demands attention and redress.

We regard the act of Congress respecting half-pay, as an honorable and just recompense for several years hard service, in which the health and fortunes of the officers have been worn down and exhausted. We see with chagrin the odious point of view in which the citizens of too many of the states endeavor to place the men entitled to it. We hope, for the honor of human nature, that there are none so hardened in the sin of ingratitude, as to deny the justice of the reward. We have reason to believe that the objection generally is against the mode only. To prevent therefore, any altercations and distinctions which may tend to injure that harmony which we ardently desire may reign throughout the community, we are willing to commute the half-pay pledged, for full pay for a certain number of years, or

To the representation now made, the army have not a doubt that Congress will pay all that attention which the serious nature of it requires. It would be criminal in the officers to conceal the general dissatisfaction which prevails, and is gaining ground in the army, from the pressure of evils and injuries, which, in the course of seven long years, have made their condition in many instances wretched. They therefore entreat, that Congress, to convince the army and the world that the independence of America shall not be placed on the ruin of any particular class of her citizens, will point out a mode for immediate redress.

Cantonments, Hudson's River, December, 1782.¹

¹ This address of the officers is in the *Papers of the Continental Congress*, No. 42, VI, folio 61. The indorsement shows that it was referred to the Grand Committee on January 6, and Committee Book No. 186 states that a report was delivered January 22. See *ante*, January 25.

PAPER No. VIII

A letter, of 12, and one of 18 March last, from the Commander in Chief, with the papers accompanying them, relative to the proceedings of the army in consequence of certain anonymous papers:

HEADQUARTERS, *12th March, 1783.*

SIR,—It is with inexpressible concern I make the following report to your Excellency:—Two days ago anonymous papers were circulated in the army, requesting a general meeting of the officers on the next day. A copy of one of these papers is enclosed, No. 1.

About the same time another anonymous paper, purporting to be an address to the officers of the army, was handed about in a clandestine manner. A copy of this is marked No. 2.

To prevent any precipitate and dangerous resolutions from being taken at this perilous moment, while the passions were all inflamed, as soon as these things came to my knowledge, the next morning, I issued the enclosed order, No. 3. And in this situation the matter now rests.

As all opinion must be suspended until after the meeting on Saturday, I have nothing further to add, except a wish that the measures I have taken to dissipate a storm, which had gathered so suddenly and unexpectedly, may be acceptable to Congress; and to assure them that in every vicissitude of circumstances, still actuated with the greatest Zeal in their Service, I shall continue my utmost Exertions to promote the welfare of my Country under the most lively expectation, that Congress have the best Intentions of doing ample justice to the Army, as soon as Circumstances will possibly admit.

With the highest Respect and Esteem, etc.

(signed) G: WASHINGTON.

P. S. Since writing the foregoing, another anonymous paper has been put in circulation, a copy of which is enclosed, No. 4.¹

(No. 1.)

A meeting of the general and field officers is requested at the public building, on Tuesday next, at 11 o'clock. A commissioned officer from each company is expected, and a delegate from the

¹ This letter is in the *Papers of the Continental Congress*, No. 152, XI, folio 105. The indorsement states that it was read March 17, and referred to Mr. [John Taylor] Gilman, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [John Francis] Mercer. Committee Book No. 186 shows that this committee was discharged on March 22, and the letter referred to the committee appointed on that day to consider Washington's letter of March 18.

medical staff. The object of this convention, is to consider the late letter from our representatives in Philadelphia, and what measures (if any) should be adopted, to obtain that redress of grievances which they seem to have solicited in vain.¹

(No. 2.)

To the Officers of the Army.

GENTLEMEN,—A fellow soldier, whose interest and affections bind him strongly to you, whose past sufferings have been as great, and whose future fortune may be as desperate as yours—would beg leave to address you.

Age has its claims, and rank is not without its pretensions to advise: but, though unsupported by both, he flatters himself, that the plain language of sincerity and experience will neither be unheard nor unregarded.

Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field, with the necessity that called him to it, and not till then—not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But, too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately—very lately—believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in upon us, the coldness and severity of government would relax, and that, more than justice, that gratitude would blaze forth upon those hands, which had upheld her, in the darkest stages of her passage, from impending servitude to acknowledged independence. But faith has its limits as well as temper, and there are points beyond which neither can be stretched, without sinking into cowardice or plunging into credulity.—This, my friends, I conceive to be your situation.—Hurried to the very verge of both, another step would ruin you forever.—To be tame and unprovoked when injuries press hard upon you, is more than weakness; but to look up for kinder usage, without one manly effort of your own, would

¹ A copy of this notification is in the *Papers of the Continental Congress*, No. 152, XI, folio 109.

fix your character, and shew the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground upon which we now stand, and from thence carry our thoughts forward for a moment, into the unexplored field of expedient.

After a pursuit of seven long years, the object for which we set out is at length brought within our reach. Yes, my friends, that suffering courage of yours was active once—it has conducted the United States of America through a doubtful and a bloody war. It has placed her in the chair of independency, and peace returns again to bless—whom? A country willing to redress your wrongs, cherish your worth and reward your services, a country courting your return to private life, with tears of gratitude and smiles of admiration, longing to divide with you that independency which your gallantry has given, and those riches which your wounds have preserved? Is this the case? Or is it rather a country that tramples upon your rights, disdains your cries and insults your distresses? Have you not, more than once, suggested your wishes, and made known your wants to Congress? Wants and wishes which gratitude and policy should have anticipated, rather than evaded. And have you not lately, in the meek language of entreating memorials, begged from their justice, what you would no longer expect from their favour? How have you been answered? Let the letter which you are called to consider to-morrow make reply.

If this, then, be your treatment, while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division? When those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left but your wants, infirmities and scars? Can you then consent to be the only sufferers by this revolution, and retiring from the field, grow old in poverty, wretchedness and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity, which has hitherto been spent in honor? If you can—go—and carry with you the jest of tories and scorn of whigs—the ridicule, and what is worse, the pity of the world. Go, starve, and be forgotten! But, if your spirit should revolt at this; if you have sense enough to discover, and spirit enough to oppose tyranny under whatever garb it may assume; whether it be the plain coat of republicanism, or the splendid robe of royalty; if you have yet learned to discriminate between a people and a cause, between men and principles—awake; attend to your situation and redress yourselves. If the present moment be lost,

every future effort is in vain; and your threats then, will be as empty as your entreaties now.

I would advise you, therefore, to come to some final opinion upon what you can bear, and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice to the fears of government. Change the milk-and-water style of your last memorial; assume a bolder tone—decent, but lively, spirited and determined, and suspect the man who would advise to more moderation and longer forbearance. Let two or three men, who can feel as well as write, be appointed to draw up your last remonstrance; for, I would no longer give it the suing, soft, unsuccessful epithet of memorial. Let it be represented in language that will neither dishonor you by its rudeness, nor betray you by its fears, what has been promised by Congress, and what has been performed, how long and how patiently you have suffered, how little you have asked, and how much of that little has been denied. Tell them that, though you were the first, and would wish to be the last to encounter danger: though despair itself can never drive you into dishonor, it may drive you from the field: that the wound often irritated, and never healed, may at length become incurable; and that the slightest mark of indignity from Congress now, must operate like the grave, and part you forever: that in any political event, the army has its alternative. If peace, that nothing shall separate them from your arms but death: if war, that courting the auspices, and inviting the direction of your illustrious leader, you will retire to some unsettled country, smile in your turn, and “mock when their fear cometh on.” But let it represent also, that should they comply with the request of your late memorial, it would make you more happy and them more respectable. That while war should continue, you would follow their standard into the field, and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause; an army victorious over its enemies—victorious over itself.¹

(No. 3.)

GENERAL ORDERS.

HEAD-QUARTERS, NEWBURGH, *Tuesday, March, 11, 1783.*

The Commander in Chief, having heard that a general meeting of the officers of the army was proposed to be held this day at the new

¹ A copy of this address is in the *Papers of the Continental Congress*, No. 152, XI, folio 111.

building, in an anonymous paper which was circulated yesterday by some unknown person, conceives, although he is fully persuaded that the good sense of the officers would induce them to pay very little attention to such an irregular invitation, his duty, as well as the reputation and true interest of the army, requires his disapprobation of such disorderly proceedings. At the same time he requests the general and field-officers with one officer from each company, and a proper representation from the staff of the army, will assemble at 12 o'clock on Saturday next, at the new building, to hear the report of the committee of the army to Congress. After mature deliberation, they will devise what further measures ought to be adopted as most rational and best calculated to attain the just and important object in view. The senior officer in rank, present, will be pleased to preside, and report the result of the deliberations to the Commander in Chief.¹

(No. 4.)

To the Officers of the Army.

GENTLEMEN, The author of a late address, anxious to deserve, though he should fail to engage your esteem; and determined, at every risque, to unfold your duty, and discharge his own, would beg leave to solicit the further indulgence of a few moments' attention. Aware of the coyness with which his last letter would be received, he feels himself neither disappointed nor displeased with the caution it has met. Ye well knew that it spoke a language, which, till now, had been heard only in whispers, and that it contained some sentiments which confidence itself would have breathed with distrust. But their lives have been short, and their observation imperfect indeed, who have yet to learn that claims may be false; that the best designs are sometimes obliged to assume the worst aspect; and that, however synonymous surprise and disaster may be in military phrase, in moral and political meaning, they convey ideas as different as they are distinct.

Suspicion, detestable as it is in private life, is the loveliest trait of political characters. It prompts you to enquiry, bars the door against design, and opens every avenue to truth. It was the first to oppose a tyrant here, and still stands centinel over the liberties of America. With this belief, it would illy become me to stifle the voice of this honest guardian; a guardian, who, authorised by circumstances

¹ A copy of this General Order is in the *Papers of the Continental Congress*, No. 152, XI, folio 117.

digested into proof, has herself given birth to the address you have read, and now goes forth among you, with a request to all, that it may be treated fairly; that it may be considered before it be abused, and condemned before it be tortured; convinced that in a search after error, truth will appear, that apathy itself will grow warm in the pursuit, and though it will be the last to adopt her advice, it will be the first to act upon it.

The general orders of yesterday, which the weak may mistake for disapprobation, and the designing dare to represent as such, wears, in my opinion, a very different complexion, and carries with it a very opposite tendency. Till now the Commander in Chief has regarded the steps you have taken for redress, with good wishes alone. His ostensible silence has authorised your meetings, and his private opinion has sanctified your claims. Had he disliked the object in view, would not the same sense of duty which forbade you from meeting on the third day of the week, have forbidden you from meeting on the seventh? Is not the same subject held up for your discussion? and has it not passed the seal of office, and taken all the solemnity of an order? This will give system to your proceedings, and stability to your resolves. It will ripen speculation into fact, and while it adds to the unanimity, it cannot possibly lessen the *independency* of your sentiments. It may be necessary to add, upon this subject, that, from the injunction with which the general orders close, every man is at liberty to conclude that the *report* to be made to *Headquarters* is intended for *Congress*. Hence will arise another motive for that *energy* which has been recommended: for, can you give the lie to the pathetic descriptions of your representations, and the more alarming predictions of our friends? To such as make a want of signature an objection to opinion, I reply, that it matters very little who is the author of sentiments which grow out of your feelings, and apply to your wants; that in this instance, diffidence suggested what experience enjoins; and that while I continue to move on the high road of argument and advice, which is open to all, I shall continue to be the sole confidant of my own secret. But, should the time come, when it shall be necessary to depart from this general line, and hold up any individual among you as an object of the resentment or contempt of the rest, I thus publicly pledge my honor as a soldier, and veracity as a man, that I will then assume a visible existence, and give my name to the army, with as little reserve as I now give my opinions.¹

¹ A copy of this second address is in the *Papers of the Continental Congress*, No. 152, XI, folio 119.

HEAD-QUARTERS, NEWBURGH, 18th March, 1783.

SIR: The result of the proceedings of the grand convention of the officers, which I have the honor of enclosing to your Excellency for the inspection of Congress, will, I flatter myself, be considered as the last glorious proof of patriotism which could have been given by men who aspired to the distinction of a patriot army; and will not only confirm their claim to the justice, but will encrease their title to the gratitude of their country.

Having seen the proceedings on the part of the army terminate with perfect unanimity, and in a manner entirely consonant to my wishes; being impressed with the liveliest sentiments of affection for those who have so long, so patiently, and so cheerfully suffered and fought under my immediate direction; having from motives of justice, duty and gratitude, spontaneously offered myself as an advocate for their rights; and having been requested to write to your Excellency, earnestly entreating the most speedy decision of Congress upon the subjects of the late address from the army to that honorable body; it now only remains for me to perform the task I have assumed, and to intercede in their behalf, as I now do, that the sovereign power will be pleased to verify the predictions I have pronounced of, and the confidence the army have reposed in the justice of their country.

And here I humbly conceive it is altogether unnecessary (while I am pleading the cause of an army which have done and suffered more than any other army ever did in the defence of the rights and liberties of human nature) to expatiate on their *claims* to the most ample compensation for their meritorious services, because they are perfectly known to the whole world, and because, (although the topics are inexhaustible) enough has already been said on the subject. To prove these assertions, to evince that my sentiments have ever been uniform, and to shew what my ideas of the rewards in question have always been, I appeal to the archives of Congress, and call on those sacred deposits to witness for me. And in order that my observations and arguments in favour of a future adequate provision for the officers of the army may be brought to remembrance again, and considered in a single point of view without giving Congress the trouble of having recourse to their files, I will beg leave to transmit herewith an extract from a representation made by me to a committee of Congress, so long ago as the 29th of January, 1778, and also the

transcript of a letter to the President of Congress, dated near Passaic Falls, October 11, 1780.¹

¹*Extract from a representation made by the Commander in Chief to a Committee of Congress at the army, 29th January, 1778.*

GENTLEMEN, The numerous defects in our present military establishment, rendering many reformatations and many new arrangements absolutely necessary, and Congress having been pleased to appoint you a committee, in concert with me, to make and recommend such as shall appear eligible, in pursuance of the various objects expressed in their resolution for that purpose,—I have in the following sheets briefly delivered my sentiments upon such of them as seemed to me most essential, so far as observation has suggested and leisure permitted. These are submitted to consideration, and I shall be happy if they are found conducive to remedying the evils and inconveniences we are now subject to, and putting the army upon a more respectable footing. Something must be done; important alterations must be made; necessity requires that our resources should be enlarged and our system improved; for without it, if the dissolution of the army should not be the consequence, at least, its operation must infallibly be feeble, languid and ineffectual.

As I consider a proper and satisfactory provision for officers, in a manner as the basis of every other regulation and arrangement necessary to be made; since without officers no army can exist, and unless some measures be devised to place those of ours in a more desirable situation, few of them would be able, if willing to continue in it;—I shall begin with a few reflections tending to prove the necessity of a half-pay and pensionary establishment.

A small knowledge of human nature will convince us that with far the greatest part of mankind, interest is the governing principle, and that almost every man is more or less under its influence. Motives of public virtue may for a time, or in particular instances, actuate men to the observance of a conduct purely disinterested, but they are not of themselves sufficient to produce a persevering conformity to the refined dictates and obligations of social duty; few men are capable of making a continual sacrifice of all views of private interest or advantage, to the common good: it is in vain to exclaim against the depravity of human nature on this account—the fact is so, the experience of every age and nation has proved it, and we must in a great measure change the constitution of man, before we can make it otherwise; no institution not built on the presumptive truths of these maxims, can succeed.

We find them exemplified in the American officers, as well as in all other men. At the commencement of the dispute in the first effusions of their zeal, and looking upon the service to be only temporary, they entered into it without paying any regard to pecuniary or selfish considerations; but finding its duration to be much longer than they at first suspected, and that instead of deriving any advantage from the hardships and dangers to which they were exposed, they, on the contrary, were losers by their patriotism, and fell far short even of a competency to supply their wants; they have gradually abated in their ardor; and with many an entire disinclination to the service, under its present circumstances, has taken place. To this, in an eminent degree, must be ascribed the frequent resignations daily happening, and the more frequent importunities for permission to resign, and from some officers of the greatest merit; to this also may be ascribed the apathy, inattention and neglect of duty, which pervade all ranks, and which will necessarily continue and increase, while an officer, instead of gaining any thing is impoverished by his commission, and conceives he is

That in the critical and perilous moment when the last mentioned communication was made, there was the utmost danger a dissolution of the army would have taken place, unless measures similar to those recommended had been adopted, will not admit a doubt. That the adoption of the resolution, granting half-pay for life, has conferring, not receiving a favor in holding it. There can be no sufficient tie upon men possessing such sentiments; nor can any method be adopted to oblige those to a punctual discharge of duty, who are indifferent about their continuance in the service, and are often seeking a pretext to disengage themselves from it. Punishment, in this case, will be unavailing; but when an officer's commission is made valuable to him, and he fears to lose it, you may then exact obedience from him.

It is not indeed consistent with reason or justice, to expect that one set of men should make a sacrifice of property, domestic ease and happiness, encounter the rigors of the field, the perils and vicissitudes of war, to obtain those blessings which every citizen will enjoy in common with them, without some adequate compensation. It must also be a comfortless reflection to any man, that after he may have contributed to securing the rights of his country, at the risk of his life and the ruin of his fortune, there would be no provision made to prevent himself and family from sinking into indigence and wretchedness. Besides adopting some methods to make the provision for officers equal to their present exigencies, a due regard should be paid to futurity. Nothing, in my opinion, would serve more powerfully to reanimate their languishing zeal, and interest them thoroughly in the service, than a half pay and pensionary establishment. This would not only dispel the apprehension of personal distress at the termination of the war, from having thrown themselves out of professions and employments they might not have it in their power to resume, but would in a great degree relieve the painful anticipation of leaving their widows and orphans a burthen on the charity of their country, should it be their lot to fall in its defence.

I am earnest in recommending this measure, because I know it is the general wish and expectation, and that many officers, whom, upon every principle we should wish to retain in the service, are only waiting to see whether something of the kind will, or will not take place, to be determined in their resolution, either of staying in or quitting it immediately; and I urge my sentiments with the greater freedom, because I cannot and shall not receive the smallest benefit from the establishment, and can have no other inducement for proposing it, than a full conviction of its utility and propriety.

I am sensible, the expence will be a capital objection to it, but to this I oppose the necessity. The officers are now discontented with their situation: if some generous expedient is not embraced to remove their discontent, so extensive a desertion from the service will ensue, and so much discouragement be cast upon those who remain, as must wound it in a very essential manner. Every thing that has this effect, has a tendency at least, to protract the war, and though dictated by a well intended frugality, will, I fear, in the end, prove erroneous œconomy.

Extract of a letter from general Washington to Congress, dated Passaic Falls, 11th October, 1780.

That there are the most conclusive reasons for reducing the number of regiments, no person acquainted with the situation of our affairs, and the state of the army, will deny. A want of officers, independent of other considerations, were sufficient to

been attended with all the happy consequences I had foretold, so far as respected the good of the service, let the astonishing contrast between the state of the army at this instant, and at the former period, determine. And that the establishment of funds, and security of the payment of all the just demands of the army, will compel us; but that the temper of the army, produced by its sufferings, requires great caution in any reforms that are attempted, is a position not less evident than the former. In services the best established, where the hands of government are strengthened by the strongest interests of the army to submission, the reducing of its regiments, and dismissing a great part of its officers is always a measure of difficulty and delicacy. In ours, where the officers are held by the feeblest ties, and are mouldering away by daily resignations, it is peculiarly so. The last reduction occasioned many to quit the service besides those who were reformed, and left durable seeds of discontent among those who remained. The general topic of declamation was, that it was as hard as dishonorable for men, who had made every sacrifice to the service to be turned out of it at the pleasure of those in power, without an adequate compensation. In the maturity to which their uncasinesses have now arisen, from a continuance in misery, they will be still more impatient under an attempt of a similar nature. How far these dispositions may be reasonable, I pretend not to decide, but in the extremity to which we are arrived, policy forbids us to add new irritations; too many of the officers wish to get rid of their commissions, but they are unwilling to be forced into it.

It is not the intention of these remarks to discourage a reform, but to shew the necessity of guarding against the ill effects by an ample provision, both for the officers who stay, and for those who are reduced. This should be the basis of the plan, and without it I apprehend the most mischievous consequences; this would obviate many scruples that will otherwise be found prejudicial in the extreme. I am convinced Congress are not a little straitened in the means of a present provision, so ample as to give satisfaction, but this proves the expediency of a future one, and brings me to that which I have so frequently recommended as the most economical, the most politic and the most effectual that could be devised, a half-pay for life: supported by a prospect of a permanent dependence, the officers would be tied to the service, and would submit to many momentary privations, and to the inconveniences which the situation of public affairs makes unavoidable. This is exemplified in the Pennsylvania officers, who, being upon this establishment, are so much interested in the service, that in the course of months there has been only one resignation in that line.

If the objection drawn from the principle of this measure, being incompatible with the genius of our government, is thought insurmountable, I would propose a substitute less eligible, in my opinion, but which may answer the purpose—It is, to make the present half-pay for seven years whole pay for the same period, to be advanced in two different payments; one half in a year after the conclusion of peace, the other half in two years subsequent to the first.

“No objection to this measure occurs to me, except it be thought too great an expence; but in my judgment, whatever can give consistency to our military establishment, will be ultimately favourable to œconomy. It is not easy to be conceived, except by those who are witnesses to it, what an additional waste and consumption of every thing, and consequently what an increase of expence, results from the laxness of discipline in the army; and where the officers think they are doing the public a

be the most certain means of preserving the national faith and future tranquillity of this extensive continent, is my decided opinion.

By the preceding remarks, it will readily be imagined, that instead of retracting and reprehending (from farther experience and reflection) by holding their commissions, and the men are continually fluctuating, it is impossible to maintain discipline. Nothing can to me be more obvious than that a sound military establishment and the interests of œconomy are the same: how much more the purposes of the war will be promoted by it in other respects, will not admit of an argument.

In reasoning upon the measure of a future provision, I have heard gentlemen object the want of it in some foreign armies, without adverting to the difference of circumstances. The military state holds the first rank in most of the countries of Europe, and is the road to honor and emolument. The establishment is permanent, and whatever be an officer's provision, it is for life, and he has a profession for life, he has future as well as present motives of military honor and preferment; he is attached to the service by the spirit of the government, by education, and in most cases by early habit; his present condition, if not splendid, is comfortable; pensions, distinctions and particular privileges, are commonly his rewards in retirement. In the case of the American officers, the military character has been suddenly taken up, and is to end with the war.

Congress will herewith receive a list of the officers in the New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania and Maryland lines, previous to its marching to the southward: also in Crane's and Lamb's artillery, Sheldon's horse; and in Hazen's, Sherburn's, Spencer's and Livingston's regiments, who have *actually* had their resignations entered at head-quarters in the course of *this* year; and who, in general, urged their necessities when they applied on the subject, and insisted, notwithstanding every persuasion to induce their continuance, that their circumstances would not admit of their remaining in service longer. Besides those resignations, there are a great many of which I have no certain account, as the officers being permitted to go home on furlough in the course of the last winter, have never rejoined the army, and have only sent messages, or written to their regimental officers, that their own distresses and those of their families, would not permit their return. As to the resignations which have taken place in the Virginia line and the other troops at the southward, since they were acting in that quarter, I have no account of them, but I make no doubt that many have happened. All these serve to shew the necessity of some more competent establishment than the present one; and I hold it my duty to mention, from the accounts I daily receive, unless this is the case, that I have strong reasons to believe we shall not be able to retain, after the end of the campaign, as many officers, especially in some lines, as will be even sufficient for the common duties when in quarters. If matters fortunately should not proceed to the lengths my fears forebode, yet Congress will be sensible at the first view, of the injuries and great inconveniences which must attend such a continual change of officers and consequent promotions, which are and will be inevitable.

After having exhibited this view of the present state of the army, it is almost needless to add that, excepting in the rank of field officers, and a very few captains, we shall have new officers to provide, rather than old ones to disband, at the reduction of regiments; and how they are to be had I know not, no disposition having been discovered of late to enter the service. Congress have little to apprehend on account of the expence of supernumerary officers when this event takes place.

tion) the mode of compensation so strenuously urged in the enclosures, I am more and more confirmed in the sentiment, and if in the wrong, suffer me to please myself with the grateful delusion.

For if, besides the simple payment of their wages, a farther compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken indeed. If the whole army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice, and built opinion on the basis of error. If this country should not, in the event, perform every thing which has been requested in the late memorial to Congress, then will my belief become vain, and the hope that has been excited, void of foundation. And "if," (as has been suggested for the purpose of inflaming their passions) "the officers of the army are to be the only sufferers by this *revolution*; if retiring from the field they are to grow old in poverty, wretchedness and contempt; if they are to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity, which has hitherto been spent in honor," then shall I have learned what ingratitude is, then shall I have realized a tale which will embitter every moment of my future life.

But I am under no such apprehensions; a country rescued by their arms from impending ruin, will never leave unpaid the debt of gratitude.

Should any intemperate or improper warmth have mingled itself amongst the foregoing observations, I must entreat your Excellency and Congress, it may be attributed to the effusion of an honest zeal in the best of causes, and that my peculiar situation may be my apology; and I hope I need not, on this momentous occasion, make any new protestations of personal disinterestedness, having ever renounced for myself the idea of pecuniary reward. The consciousness of having attempted faithfully to discharge my duty, and the approbation of my country, will be a sufficient recompense for my services.

I have the honor to be

With perfect respect

Yr. Excellency's

Most Obed. Serv^t

(Signed)

G^o WASHINGTON

His Excell^y

The Presid^t in Congress.¹

¹ Washington's letter of March 18 is in the *Papers of the Continental Congress*, No. 152, XI, folios 131-136. The indorsement states that it was read on March 22, and referred to Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton,

CANTONMENT, 15 March, 1783.

The officers of the army being convened agreeably to a general order of the 11th instant, the Hon. Major-General Gates, president, his Excellency the Commander in Chief was pleased to address the meeting as follows:

GENTLEMEN,—By an anonymous summons, an attempt has been made to convene you together. How inconsistent with the rules of propriety, how unmilitary and how subversive of all order and discipline, let the good sense of the army decide.

In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the reason and judgment of the army. The author of the piece is entitled to much credit for the goodness of his pen; and I could wish he had as much credit for the rectitude of his heart; for, as men see through different optics, and are induced by the reflecting faculties of the mind, to use different means to attain the same end, the author of the address should have had more charity than to mark for suspicion the man who should recommend moderation and longer forbearance, or, in other words, who should not think as he thinks, and act as he advises. But he had another plan in view, in which candor and liberality of sentiment, regard to justice and love of country, have no part; and he was right to insinuate the darkest suspicion Mr. [Oliver] Wolcott and Mr. [Richard] Peters. Committee Book No. 186 states that his letter of March 12 and the Proceedings of March 15 were referred to the same committee and that the committee reported April 1.

The following undated report, in the writing of Alexander Hamilton, is in No. 19, VI, folio 437:

"The Committee to whom were referred the letters from the Commander in Chief submit the following resolutions:

Resolved, That Congress consider the conduct of the Commander in Chief on the occasion of some late attempts to create disturbances in the army as a new proof of his prudence and zealous attachment to the welfare of the community.

That he be informed, Congress also entertain a high sense of the patriotic sentiments expressed by the officers in their proceedings of the which evince their unshaken perseverance in those principles that have distinguished them in every period of the war, and have so justly intitled the troops of the United States to the esteem and gratitude of their country and to the character of a citizen patriot army.

The Committee ask leave to report further."

A copy of the extract from Washington's representation to a committee of Congress, January 29, 1778, is in No. 152, XI, folios 159-166; and a copy of the extract from his letter to Congress, October 11, 1780, is on folios 167-174. The originals of both are in the Washington Papers.

to effect the blackest design. That the address is drawn with great art, and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief; that the secret mover of this scheme, whoever he may be, intended to take advantage of the passions, while they were warmed by the recollection of past distresses, without giving time for cool deliberative thinking, and that composure of mind which is so necessary to give dignity and stability to measures, is rendered too obvious, by the mode of conducting the business, to need other proof than a reference to the proceeding.

Thus much, gentlemen, I have thought it incumbent on me to observe to you, to shew upon what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity, consistent with your own honor, and the dignity of the army, to make known your grievances. If my conduct heretofore has not evinced to you that I have been a faithful friend to the army, my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment, but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the army; as my heart has ever expanded with joy, when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened against it, it can scarcely be supposed, at this late stage of the war, that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser. "If war continues, remove into the unsettled country; there establish yourselves and leave an ungrateful country to defend itself."—But who are they to defend? Our wives, our children, our farms and other property which we leave behind us? or, in this state of hostile separation, are we to take the two first (the latter cannot be removed) to perish in a wilderness with hunger, cold and nakedness? "If peace takes place, never sheath your swords," says he "until you have obtained full and ample justice." This dreadful alternative of either deserting our country in the extremest hour of her distress, or turning our arms against it, which is the apparent object, unless Congress can

be compelled into instant compliance, has something so shocking in it, that humanity revolts at the idea. My God! what can this writer have in view, by recommending such measures? Can he be a friend to the army? Can he be a friend to this country? Rather is he not an insidious foe? Some designing emissary, perhaps, from New York, plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent? and what a compliment does he pay to our understandings, when he recommends measures, in either alternative impracticable in their nature? But, here, gentlemen, I will drop the curtain, because it would be as imprudent in me to assign my reasons for this opinion, as it would be insulting to your conception to suppose you stood in need of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. There might, gentlemen, be an impropriety in my taking notice, in this address to you, of an anonymous production; but the manner in which that performance has been introduced to the army, the effect it was intended to have, together with some other circumstances, will amply justify my observations on the tendency of that writing.

With respect to the advice given by the author, to suspect the man who shall recommend moderate measures and longer forbearance, I spurn it, as every man who regards that liberty and reveres that justice for which we contend, undoubtedly must; for, if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us. The freedom of speech may be taken away, and, dumb and silent, we may be led, like sheep, to the slaughter. I cannot, in justice to my own belief, and what I have great reason to conceive is the intention of Congress, conclude this address, without giving it as my decided opinion, that that honorable body entertain exalted sentiments of the services of the army, and from a full conviction of its merits and sufferings, will do it complete justice: that their endeavours to discover and establish funds for this purpose have been unwearied, and will not cease till they have succeeded, I have not a doubt.

But, like all other large bodies, where there is a variety of different interests to reconcile, their determinations are slow. Why then should we distrust them, and, in consequence of that distrust, adopt measures which may cast a shade over that glory which has been so

justly acquired, and tarnish the reputation of an army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done? To bring the object we seek nearer? No, most certainly, in my opinion it will cast it at a greater distance. For myself, and I take no merit in giving the assurance, being induced to it from principles of gratitude, veracity and justice, a grateful sense of the confidence you have ever placed in me, a recollection of the cheerful assistance and prompt obedience I have experienced from you, under every vicissitude of fortune, and the sincere affection I feel for an army I have so long had the honor to command, will oblige me to declare, in this public and solemn manner, that in the attainment of compleat justice for all your toils and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe my country, and those powers we are bound to respect, you may freely command my services to the utmost extent of my abilities.

While I give you these assurances, and pledge myself in the most unequivocal manner, to exert whatever ability I am possessed of in your favour, let me entreat you, gentlemen, on your part, not to take any measures, which, viewed in the calm light of reason, will lessen the dignity, and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an army, they will cause all your accounts to be fairly liquidated, as directed in their resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man, who wishes, under any specious pretences, to overturn the liberties of our country; and who wickedly attempts to open the flood-gates of civil discord, and deluge our rising empire in blood.

By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice. You will give one more distinguished proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings: and you will, by

the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind—"had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

His Excellency having withdrawn, on motion by General Knox, seconded by General Putnam,

Resolved, That the unanimous thanks of the officers of the army be presented to his Excellency the Commander in Chief, for his excellent address, and the communication he has been pleased to make to them; and that he be assured that the officers reciprocate his affectionate expressions, with the greatest sincerity of which the human heart is capable.

The address from the army to Congress, the report of the committee from the army, and the resolutions of Congress of the 25th January, being read,

On motion by General Putnam, seconded by General Hand,

Voted, That a committee be appointed immediately to draw up some resolutions expressive of the business before us, and to report in half an hour; that this committee consist of one general officer, one field officer and one captain; and that General Knox, Colonel Brooks and Captain Howard, compose the said committee.

The report of the committee being brought in, and fully considered,

Resolved unanimously, That, at the commencement of the present war, the officers of the American army engaged in the service of their country from the purest love and attachment to the rights and liberties of human nature, which motives still exist in the highest degree; and that no circumstances of distress or danger shall induce a conduct that may tend to sully the reputation and glory which they have acquired, at the price of their blood and eight years' faithful services.

Resolved unanimously, That the army continue to have an unshaken confidence in the justice of Congress and their country, and are fully convinced that the representatives of America will not disband or disperse the army until their accounts are liquidated, the balances accurately ascertained, and adequate funds established for payment, and, in this arrangement, the officers expect that the half-pay, or a commutation of it, should be efficaciously comprehended.

Resolved unanimously, That his Excellency the Commander in Chief be requested to write to his Excellency the President of Congress, earnestly entreating the most speedy decision of that honorable body, upon the subjects of our late address, which was forwarded by a committee of the army, some of whom are waiting upon Congress for

the result. In the alternative of peace or war, this event would be highly satisfactory, and would produce immediate tranquillity in the minds of the army, and prevent any further machinations of designing men, to sow discord between the civil and military powers of the United States.

On motion, *Resolved unanimously*, That the officers of the American army view with abhorrence, and reject with disdain, the infamous propositions contained in a late anonymous address to the officers of the army; and resent, with indignation, the secret attempts of some unknown persons to collect the officers together, in a manner totally subversive of all discipline and good order.

Resolved unanimously, That the thanks of the officers of the army be given to the committee who presented to Congress the late address of the army, for the wisdom and prudence with which they have conducted that business; and that a copy of the proceedings of this day be transmitted by the president to Major General McDougall; and that he be requested to continue his solicitations at Congress, until the objects of his mission are accomplished.

The meeting was then dissolved.

HORATIO GATES, *Major General, President*.¹

The Committee [Mr. John Lewis Gervais, Mr. Oliver Wolcott and Mr. Richard Peters] to whom was referred William Buchanan's late Commissary General of purchases letter of the 15 Feby., 1783, Report,

That in the opinion of your Committee it should be resolved,

That the accounts of William Buchanan late Commissary General of purchases be settled in the same manner as those of Mr. Wadsworth his successor, agreeable to the resolutions of the 9th April, 1778.²

Several Members representing to the House that when the question was put yesterday on the report of the Committee, they did not understand that it included the introduction as well as what was expressed in the form of a resolution,

Resolved, That the said introduction be expunged from the Journals.

[Viz, that his continuance in office was highly injurious to his private affairs and contrary to his private inclinations.]³

¹ A copy of the proceedings at the meeting of the officers, March 15, is in the *Papers of the Continental Congress*, No. 152, XI, folios 137-154.

² This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 19, I, folio 445. The indorsement states that it was read on this day, and on the 19th of September, 1786, filed.

³ This report, in the writing of Samuel Osgood, except the part in brackets, which is in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, IV, folio 395.

[Report of the Committee on General Hazen's letter.]

That Brigadier General Hazen be entitled to the pay and emoluments of his rank from the first day of January last.

That the corps formerly under his command be considered as then ~~forming a regiment on the establishment~~ arranged on the establishment of the Regiments of the several lines, and that commissions issue accordingly.¹

The Committee [Mr. Hugh Williamson, Mr. Daniel Carroll and Mr. Samuel Osgood] to whom were referred sundry papers and reports on the subject of the salaries of foreign ministers observe that in the present reduced state of public finances the utmost saving and economy is become necessary in every Department. They observe also that the most of the ministers now abroad have asked and obtained leave to return and that the happy arrival of peace must open an intercourse with the different commercial nations in Europe which must require a considerable addition to the present number of Ministers Residents or Consuls, and observing that the amount of salary and other expences of gentlemen employed in foreign Courts is in a great measure determined by their respective ranks on which scale great savings may be made, submit the following Report:

That a Committee be appointed to consider what Rank shall be given to the persons who may be employed by the U. S. at the several foreign Courts with whom they may have any political or Commercial Intercourse.²

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, III, folio 103. According to the indorsement, and the record in Committee Books No. 186 and No. 191, it was a report of Mr. [Thomas] Mifflin, Mr. [Alexander] Hamilton and Mr. [Theodorick] Bland, who were appointed April 17, "to enquire into the state of Hazen's regiment, and the propriety of promotion of officers in that corps." The report was delivered April 29, 1783, read and entered; "postponed April 30, 1783; decided 16 April, 1784."

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 201. The indorsement states that it was delivered April 28, and read April 29.

On this, or an approximate date, was read a letter of April 23, from General Washington enclosing a memorial to Congress from Claude Amable de Rocplant, Baron de L'Estrade. Washington's letter is in No. 152, XI, folio 233, and the memorial is in No. 41, V, folio 294.

WEDNESDAY, APRIL 30, 1783

A motion was made by Mr. [James] Wilson, seconded by Mr. [Alexander] Hamilton, as follows:

Whereas it is of importance in every free country, that the conduct and sentiments of those to whom the direction of public affairs is committed, should be publicly known;

Resolved, That in future the doors of Congress shall be open, unless otherwise ordered by a vote or by the rules of the house. ~~subject to such rules as shall be hereafter determined for that purpose~~

Resolved, That a committee be appointed to prepare and report a draught of rules upon the subject ~~of opening the doors~~.¹

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Phillips] White, to postpone the foregoing motion, in order to consider the following:

That as soon as Congress shall have fixed on some place where they may propose to continue their residence, and where they may have some kind of jurisdiction without being exposed to the influence of any particular State, it may be proper to determine whether the doors of Congress shall be open:

And on the question for postponing for the purpose above-mentioned, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire</i> ,			<i>Connecticut</i> ,		
Mr. White,	ay	} *	Mr. Ellsworth,	no	} div.
<i>Massachusetts</i> ,			Dyer,	ay	
Mr. Holten,	no	} no	<i>New York</i> ,		} *
Osgood,	no		Mr. Hamilton,	no	
Higginson,	no		<i>New Jersey</i> ,		} no
<i>Rhode Island</i> ,			Mr. Boudinot,	no	
Mr. Collins,	ay	} div.	Clark,	no	
Arnold,	no		Condict,	no	

¹ This motion, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 36, II, folio 67.

<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Fitzsimmons,	no	}	Mr. Hawkins,	ay	}
Wilson,	no		Williamson,	ay	
Peters,	no		<i>South Carolina,</i>		
<i>Maryland,</i>			Mr. Rutledge,	no	}
Mr. Carroll,	no	}	Izard,	no	
Hemsley,	no		Gervais,	no	
<i>Virginia,</i>					
Mr. Jones,	no	}			
Bland,	no				
A. Lee,	no				
Mercer,	no				

So it passed in the negative.

A motion was then made by Mr. [James] Wilson, seconded by Mr. [Alexander] Hamilton, to amend the original motion by striking out the words "unless otherwise ordered by a vote, or by the rules of the house," and inserting in lieu thereof, the words "subject to such rules as shall be hereafter determined for that purpose:"

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Alexander] Hamilton,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. White,	no	}	Mr. Fitzsimmons,	ay	}
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Holten,	no	}	Peters,	ay	
Osgood,	ay		<i>Maryland,</i>		
Higginson,	ay	}	Mr. Carroll,	ay	}
<i>Rhode Island,</i>			Hemsley,	ay	
Mr. Collins,	no	}	<i>Virginia,</i>		
Arnold,	no		Mr. Bland,	no	}
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Ellsworth,	no	}	Mr. Hawkins,	no	}
Dyer,	no		Williamson,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Hamilton,	ay	}	Mr. Rutledge,	no	}
<i>New Jersey,</i>			Izard,	no	
Mr. Boudinot,	ay	}	Gervais,	no	
Clark,	no				
Condict,	no				

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. White,	no	}	Mr. Fitzsimmons,	ay	}
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Holten,	no	}	<i>Maryland,</i>		
Osgood,	no		Mr. Carroll,	no	}
Gorham,	ay		Hemsley,	no	
Higginson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Bland,	ay	}
Mr. Collins,	no	}	Mercer,	no	
Arnold,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	no	}
Mr. Ellsworth,	no	}	Williamson,	no	
Dyer,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	no	}
Mr. Hamilton,	ay	}	Izard,	no	
<i>New Jersey,</i>			Gervais,	no	
Mr. Boudinot,	no	}			
Clark,	no				
Condict,	no				

So it passed in the negative.

On a report of a committee, consisting of Mr. [Richard] Peters, Mr. [William] Floyd and Mr. [Oliver] Ellsworth, to whom was referred a letter of 24, from Colonel T. Tilghman:

Ordered, That the letter of Mr. Tilghman be referred to the Superintendent of finance to take order thereon.¹

[On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Eliphalet] Dyer and Mr. [Silas] Condict, to whom was referred a letter of the 22d from the Superintendent of finance, together with a memorial of J. D. Alvey:

Resolved, That the Comptroller be directed to settle the accounts of Mr. John Durham Alvey, for money he is engaged to pay to certain post-riders whom he was authorised to hire at headquarters; and that the Postmaster General be

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, VI, folio 41.

directed immediately to pay Mr. Alvey the balance due on those accounts:

That the Postmaster General be also directed to pay to Mr. Alvey the balance due him for pay, as Postmaster at Headquarters, as soon as the revenue of the Post Office will admit of such disbursements, with the interest of six per cent. from the time when this account shall be settled.¹

On the report of a committee, consisting of Mr. [William] Hemsley, Mr. [Benjamin] Hawkins and Mr. [Thomas] Fitzsimmons, to whom was referred an account of John Sandford Dart:

The committee to whom was referred the account of John Sandford Dart, with the letter from William Geddes, report,

That it is evident John Sandford Dart continued longer in service as Auditor to the Southern Army than the period fixed for his commission to cease and determine agreeable to the ordinance for regulating the Treasury &c., owing to his want of information, as appears by his letter, and thereupon they recommend the following resolution:

Resolved, That the Comptroller be, and he is hereby authorised and directed to adjust the account of John Sandford Dart up to the 23d of August last, as auditor to the southern army, as he continued in service till that period.²

On a report from the Superintendant of finance, to whom was referred a letter of the 17th from Darius Stoddard:

Ordered, That the commissioner for settling the accounts of the hospital department, adjust and liquidate those of Dr. Darius Stoddard.]³

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folios 71, 73. The letter of the Superintendent of Finance is in No. 137, II, folio 343.

² This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, II, folio 9.

³ The part in brackets was entered in the Journal by George Bond.

The Superintendent's report is in the *Papers of the Continental Congress*, No. 137, II, folio 387.

On this date, as the indorsement indicates, the petition of John C. Buhler, dated April 29, 1783, asking return of money lent, was read and referred to Mr. [Thomas] Mifflin, Mr. [John Lewis] Gervais, and Mr. [Stephen] Higginson. It is in No. 42, I, folio 274. According to the record in Committee Books No. 186 and No. 191, a report was delivered May 16, and filed.

THURSDAY, MAY 1, 1783

On motion of Mr. A[rthur] Lee, seconded by Mr. [Silas] Conduct,

Resolved, That when a member takes any paper from the files of Congress, he shall leave a receipt for the same in the office.¹

A letter having been read from the minister of France to the Secretary for Foreign affairs, requesting him to inform Congress of the proposed departure of the Duke de Lauzun's legion and other detachments of Count Rochambeau's army for France; and expressing, with the Duke de Lauzun, the sense that he and the other officers and men of this army entertain of the harmony which has subsisted between them and the inhabitants of these states, and of the hospitality with which they have been treated by them:²

Resolved, That the Secretary for Foreign affairs inform the minister of France, that Congress learn with pleasure the satisfaction which the Duke de Lauzun, and the officers and men of the French army in America express, in the harmony which has subsisted between them and the inhabitants of these states, since it exhibits at the same time a strong proof of the good disposition and discipline of the commanders, officers and men, and the just sense the people of this country entertain of the important services they have rendered.

As a further testimony of which,

Resolved, That the Secretary for Foreign affairs inform the Duke de Lauzun, and the officers and men under his command, that the United States in Congress assembled are highly sensible of their successful exertions in the cause of America, and of the strict attention which they have at all

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 183.

² This paragraph, and the resolutions following it, were entered also in the manuscript Secret Journal, Foreign Affairs.

times paid to the rights of its citizens; and while they rejoice at the events which have brought tranquillity to these states, it adds to their pleasure to reflect, that it restores those who have been active in procuring it to their friends and their country.¹

On the report of a committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons and Mr. [Samuel] Holten, to whom was referred a memorial from Mr. [Benjamin] Hawkins and Mr. [Hugh] Williamson:

Ordered, That the Secretary for Foreign affairs forward to the British general and admiral commanding at New York, a copy of the papers laid before Congress by Mr. [Benjamin] Hawkins and Mr. [Hugh] Williamson, delegates from the State of North Carolina, respecting the capture of a flag, ~~together with a copy of their memorial assuring them that Congress are persuaded they will not fail to make the necessary enquiries respecting the premises and that justice will~~ may be done.²

Congress resumed the consideration of the report of the committee on the memorial of Oliver Pollock; Whereupon,

On motion of Mr. [John] Rutledge, seconded by Mr.

Resolved, That Oliver Pollock be allowed five thousand dollars as a compensation for his ~~losses and~~ extraordinary services.³

Ordered, That the remainder of the report be re-committed.

¹ These resolutions, and La Luzerne's letter, dated Philadelphia, April 29, 1783, are printed in *The Diplomatic Correspondence of the American Revolution* (Wharton), VI, 397 and 398.

² This order, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, II, folio 355. The representation of Hawkins and Williamson, dated April 16, 1783, is in No. 43, folio 205, and, according to the indorsement, was laid before Congress the same day. The papers laid before Congress are in No. 76, folios 7-35. The order was also entered in the manuscript Secret Journal, Foreign Affairs.

³ This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 65.

On a report of the Secretary at War, to whom was referred a letter from President Dickinson to the delegates of Pennsylvania:¹

WAR OFFICE May 1st 1783.

SIR,

On the letter from President Dickinson to the Delegates of Pennsylvania in Congress, and a letter from General Irvine to the Secretary at War, both representing the hostile proceedings of the Indians against the inhabitants on the frontiers of this State, I beg leave to submit the following draught of a resolve to the consideration of Congress:

Resolved, That the Secretary at War take the most effectual measures immediately to inform the several Indian nations on the frontiers of the United States that a peace has been concluded with Great Britain and to communicate to them what cessions of forts and territory have been thereby made to the United States, assuring them at the same time that the different posts will soon be occupied by the American troops, intimating also that the United States are disposed to enter into friendly treaty with the different tribes.

Ordered, That the Secretary at War transmit the proceedings of Congress herein, with copies of President Dickinson's and General Irvine's letters to the Commander in Chief, who is directed to request Sir Guy Carleton to take such measures as may second the views of Congress, and prevent the commission of farther hostilities by the Indian nations in alliance with Great Britain against the citizens of the United States.²

Resolved, That the Secretary at War take the most effectual measures to inform the several Indian nations, on the frontiers of the United States, that preliminary articles of peace have been agreed on, and hostilities have ceased with Great Britain, and to communicate to them that the forts within the United States, and in possession of the British troops, will speedily be evacuated; intimating also that the United States are disposed to enter into friendly treaty with the different tribes; and to inform the hostile Indian nations, that unless they immediately cease all hostilities against the

¹ Dickinson's letter, dated April 28, is in the *Papers of the Continental Congress*, No. 69, II, folio 447.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 461.

citizens of these states, and accept of these friendly proffers of peace, Congress will take the most decided measures to compel them thereto.

Ordered, That the Secretary at War transmit the proceedings of Congress herein, with copies of President Dickinson's and General Irwine's letters, to the Commander in Chief and to the commissioners for Indian affairs in the northern department.

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth and Mr. [John] Rutledge, to whom was referred a letter of February 5, from the honourable J. Adams,

The Committee to whom was referred the letter from Mr. Adams of the report

That they have examined the different instructions given to our Commissioners and Ministers abroad and find that the Commissioners for making peace have an implied power to comprehend commercial stipulations in a Treaty of peace, but that there is no direct subsisting power of entering into a treaty of commerce with Great Britain distinct from the treaty of peace.

The Committee are of opinion that a special commission for that purpose ought without delay to be transmitted to the three remaining commissioners for peace, Mr. Franklin, Mr. Adams and Mr. Jay; and this for the following reasons:

First, it is to be inferred from Mr. Adams' letter, who as one of them is to be supposed to know their intention, that the commissioners for making peace have it not in contemplation to interweave into the treaty of peace such ample commercial stipulations as might supersede the necessity of particular treaty of commerce, otherwise it would be misplaced to urge Congress to appoint and authorise a minister for that purpose.

2dly. Though it should be the intention of the said commissioners to enter largely into commercial stipulations, yet if difficulties should intervene in that business, which might postpone too long the benefits of a definitive treaty of peace, they may judge it preferable to forego for the present such stipulations, to bring that important object to a speedy conclusion.

3dly. It is of great importance to The United States as soon as practicable to have a treaty of commerce with Great Britain, not

only on account of the immediate advantages of that commerce but from the possibility of making it the means of extending our commercial privileges with other nations; and because it is probable the impressions of the present conjuncture may be more favourable to the views of these States than a future period.

The Committee are also of opinion that it will be expedient to authorise the Commissioners to enter into a temporary convention agreeable to Mr. Adams' idea to last for one year, to give time to mature and conclude the treaty of commerce, and to instruct them at the same time to stipulate that the treaty which they may enter into shall be subject to the revisal and observations of Congress before it shall be finally concluded.

On these principles The Committee submit the following resolution

Ordered, That a commission be prepared to Messrs. J. Adams, B. Franklin and J. Jay, authorising them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revisal of the contracting parties previous to its final conclusion; and in the mean time to enter into a commercial convention to continue in force one year.

That the Secretary for foreign affairs lay before Congress, without delay, a plan of a treaty of commerce and instructions relative to the same, to be transmitted to the said commissioners.¹

[Report respecting Invalid Corps. Mr. Alexander Hamilton, Mr. Richard Peters, Mr. Daniel Carroll.]

Resolved, That the Corps of Invalids be reduced, such officers as have lost a limb or been otherwise equally disabled in service to retire on full pay for life, ~~or at their option collectively to the amount of seven years' full pay in gross~~ such officers as may not be included in this description to retire on ~~half pay for life~~ the same principles with other officers of the army, such Non Commissioned officers and soldiers as being strangers in the country and having been disabled

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, I, folio 33.

The order was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4.

in service are incapable of providing for their own subsistence and are proper subjects for a Hospital, to be received into some fixed Hospital, to be appropriated for the purpose, and there supported during life on such provision as may be hereafter determined, to be entitled in the meantime to their usual rations and clothing; and such Non Commissioned officers and soldiers disabled in service as may have homes to which they can retire, to be discharged on the principles of the resolution of the 23rd of April last.

That the Secretary at War be directed to take proper measures previous to the reduction to ascertain the different classes above described, ~~and to report a list of them respectively to Congress.~~

That the officers who shall retire on full pay, may at their option collectively accept in lieu of such full pay for life the amount of years' full pay ~~in money or securities~~ on the terms of the resolutions of the last.

That at the reduction of this Corps all the officers and men shall receive one month's pay and shall share in any farther payments which may be made to the other parts of the army when reduced.¹

The committee of the week [Mr. Eliphalet Dyer, Mr. Samuel Holten and Mr. Arthur Lee,] report ~~That the memorial of William Trent praying an answer to a petition relative to a tract of land called Vandalia for which he states the memorialist and his associates had contracted for with his Britannic Majesty be returned to the memorialist.~~

That the account of William Hartshorne of Alexandria in the State of Virginia, be referred to the Superintendant of finance to take order; ~~and that he transmit a copy of the account to the Executive of the State of Virginia with information of his intention to pay it here if it has not been previously settled in that State.~~²

Ordered, That a letter of 21st April from Jos: Borden for settlement of his accounts be referred to the Superintendant of Finance to report.

Ordered, That a memorial of Mordecai Lewis in behalf of William Hartshorn respecting the discharge of an obligation of Marquis de la

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 31, folio 273. The indorsement states that it was delivered this day.

² This report, in the writing of Arthur Lee, except the last line, which is in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 32, folio 473. By the indorsement it is dated this day. Trent's memorial is in No. 77, folio 222.

Fayette to said William Hartshorn be referred to the Superintendant of Finance to take order.¹

FRIDAY, MAY 2, 1783

On the report of the committee, to whom was re-committed the remainder of their report on the memorial of Oliver Pollock:

Upon the last clause in the report of the Committee on the account of Oliver Pollock, re-committed, the committee offer the following resolution:

Resolved, That the Superintendant of finance inform himself, as soon as may be, whether the governor or treasurer of New Orleans hold the United States accountable for seventy-four thousand and eighty-seven dollars, supplied by a former governor to Oliver Pollock, and by him charged to these United States: that in the mean time no part of the balance which shall appear to be due to the said O. Pollock, over and above the aforesaid sum of 74,087 dollars, shall be detained from him on account of the resolution of the 7th day of November, 1781; and that the Superintendant of finance take order for payment of the said balance, as soon as the situation of the finances will permit.²

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton and Mr. [Richard] Peters, to whom were referred a memorial of Major Villefranche

¹ These two orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance; *Morris Papers; Congressional Proceedings*.

On this day, as the indorsement indicates, was read a letter of May 1 from the Superintendent of Finance, relative to goods imported in the ships *Duc de Lauzun* and *Washington*. It was referred to Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins and Mr. [John Lewis] Gervais. It is in the *Papers of the Continental Congress*, No. 137, II, folio 403. According to Committee Book No. 191, a report was delivered May 14, and filed.

Also a letter of April 22 from the Secretary at War enclosing a letter of General Irvine, which was returned to the War Office. The Secretary at War's letter is in No. 149, II, folio 445.

² This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 50, folio 303. See *ante* April 10.

and Captain L'Enfant, and a memorial of Lieutenant Colonel Cambray:

The Committee [Mr. Theodorick Bland, Mr. Alexander Hamilton, Mr. Richard Peters] to whom were referred the letters of the Commander in Chief of the and together with the memorials of Major Villefranche and Capt: L'Enfant, beg leave to report,

That the long and meritorious services of those two officers in the important department in the army in which they have acted, and the proofs which they have produced of the Commander in Chief's entire and perfect approbation of their conduct, as well from his own observation as the testimonials of other Genl. Officers under whom they have more immediately served with distinguished skill and bravery, entitles them to the notice of Congress, and the promotion which they have requested as the most important reward for their services, and strongest proof Congress can give of their approbation. The peculiar situation of that corps with respect to rank and promotion your Committee also conceive to be an additional reason for granting them promotion, and therefore submit the following:

Resolved, That Major Villefranche of the Corps of Engineers be promoted to the rank of Lt: Col. of that corps to take rank as Lt: Col. from the date of this resolution.

Resolved, That Capt: L'Enfant of the Corps of Engineers be promoted to the rank of Major in that corps, to take rank as Major from the date of this resolution.

Provided, that no ~~additional~~ emoluments shall accrue to the several officers aforesaid in these promotions, other than those they have been heretofore entitled to.¹

Resolved, That Lieutenant Colonel Cambray, of the corps of engineers, be promoted to the rank of colonel by brevet.

That Major Villefranche, of the said corps, be promoted to the rank of lieutenant colonel by brevet; and that Captain L'Enfant, of the said corps, be promoted to the rank of major by brevet: ~~each of the aforesaid officers to take rank in the corps aforesaid from the date of this resolution, provided that no emoluments shall accrue to the said~~

¹ This report, in the writing of Theodorick Bland, except the last paragraph, which is in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, VI, folio 429. The last paragraph is on folio 425.-¹

~~officers on these promotions other than those they have been heretofore entitled to.~~

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [James] Wilson:

Whereas it is the desire of Congress, when the reduction of the army shall take place, to enable the officers and soldiers to return to their respective homes with convenience and satisfaction; for which purpose it will be indispensable to advance them a part of their pay before they leave the field: and whereas, at the present juncture, there are many other engagements for which the public faith is pledged, and the punctual performance of which is essential to the credit ~~and welfare~~ of the United States; neither of which important objects can be effected without the vigorous exertions of the several states in the collection of taxes; therefore,

Resolved, That the respective states be called upon in the most earnest manner to make every effort in their power to forward the collection of taxes, that such a sum may without delay be paid into the common treasury, as will be adequate to the public exigencies; and that Congress confidently rely for an immediate and efficacious attention to the present requisition upon the disposition of their constituents, not only to do justice to those brave men who have suffered and sacrificed so much in the cause of their country, and whose distresses must be extreme, should they be sent from the field without the payment of a part of their well earned dues; but also to enable Congress to maintain the faith and reputation of the United States, both which are seriously concerned in relieving the necessities of a meritorious army, and fulfilling the public stipulations.

Resolved, That as an additional mean of accomplishing the same end a further application be immediately made to his Most Christian Majesty to induce him to add three millions of livres to the six millions already granted in part

of the loan of four millions of dollars requested by the resolution of the 14th day of September, 1782. And that his said Majesty be informed that Congress will consider his compliance in this instance as a new and valuable proof of his friendship peculiarly interesting in the present conjuncture of the affairs of the United States, and will apply a part of the requisitions now subsisting upon the several states to the repayment of the said three millions.

Resolved, That the Superintendent of finance be directed to take the necessary arrangements for carrying the views of Congress into execution; and that he be assured of their firm support towards fulfilling the engagements he has already taken, or may take on the public account during his continuance in office.¹

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison, to whom were referred sundry papers and memorials on the subject of literary property:

The committee, consisting of Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison, to whom were referred sundry papers and memorials from different persons on the subject of literary property, being persuaded that nothing is more properly a man's own than the fruit of his study, and that the protection and security of literary property would greatly tend to encourage genius, to promote useful discoveries and to the general extension of arts and commerce, beg leave to submit the following report:

Resolved, That it be recommended to the several states, to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their ~~heirs or assigns~~ executors, administrators and assigns, the copyright of such books for a certain time, not less than fourteen years from the first publication; and to secure to the said authors, if they shall survive the term first mentioned,

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 69.

It was also entered in the manuscript Secret Journal, Foreign Affairs.

and to their ~~heirs or assigns~~ executors, administrators and assigns, the copyright of such books for another term of time not less than fourteen years, such copy or exclusive right of printing, publishing and vending the same, to be secured to the original authors, or publishers, ~~or their assigns~~ their executors, administrators and assigns, by such laws and under restrictions as to the several states may seem proper.¹

[Motion of Mr. Eliphalet Dyer, seconded by Mr. Jonathan Arnold, May 2, 1783. Referred to Mr. Stephen Higginson, Mr. Abraham Clark, Mr. John Lewis Gervais.]

Resolved, That the several states who in consequence of a resolution of Congress of the day of AD have settled with, paid, or secured to the officers and soldiers of their respective lines the several sums due to them for their services in the army of the United States since August, 1780, be authorised to exhibit the account of such settlement payments or securities to the Superintendant of Finance who is directed to allow the same to the amount of what he may find due, according to the rule adopted in settling with the lines of the other states and to give securities to such states respectively, who have paid or secured the same since August 1780 ~~to the 1st of January, 1782 or for~~ payable in the same manner as to those of the lines of the other states for the same time.²

The Superintendant of Finance to whom was referred the memorial of John Kirk begs leave to report:

That admitting the facts set forth in the memorial to be true it appears that rum was taken from him for the public use the value of which was a certain sum in the then current paper money and that this money and other paper money were invested in the purchase of bills from Genl. Lincoln. It appears therefore that the original claim of the memorialist was adjusted and that his only claim now must be on the bills of exchange. It appears further that the memorialist is dissatisfied with the value of those bills as adjusted at the Treasury of the United States. But it is necessary that there be some final settlement of accounts which cannot take place if special applications of individuals are permitted to subvert the

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 24, folio 91. Joel Barlow's letter of January 10 on the subject is in No. 78, IV, folio 369.

² This motion, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 36, II, folio 73.

general arrangements Tho the case of the memorialist seems undoubtedly to be a very hard one but that the taking of it up by Congress would open a door to claims from various quarters which tho not equally entitled to attention could then no longer be with any degree of propriety opposed.¹

MONDAY, MAY 5, 1783²

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John Francis] Mercer, as follows:

Whereas nine states did not assent to the resolution passed on Friday last in the following words, to wit:

“*Resolved*, That as an additional mean of accomplishing the same end a further application be immediately made to his Most Christian Majesty to induce him to add three millions of livres to the six millions already granted in part of the loan of four millions of dollars requested by the resolution of the 14 day of September 1782. And that his Majesty be informed that Congress will consider his compliance in this instance as a new and valuable proof of his friendship peculiarly interesting in the present conjuncture of the affairs of the United States and will apply a part of the requisitions now subsisting upon the several states to the repayment of the said three millions” be erased from the journal as unconstitutional.

On the question to agree to this motion, the yeas and nays being required by Mr. [John Francis] Mercer:

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. White,	no } *	Mr. Collins,	no } no
<i>Massachusetts,</i>		Arnold,	no }
Mr. Holten,	no }	<i>Connecticut,</i>	
Gorham,	no } no	Mr. Ellsworth,	no } no
Higginson,	no }	Dyer,	no }

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 351. The indorsement indicates that it was delivered, entered and read April 23, and referred on this day to Mr. [John Lewis] Gervais, Mr. [Thomas] FitzSimons and Mr. [Stephen] Higginson.

² The proceedings for May 5 were also entered in the manuscript Secret Journal, Foreign Affairs.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Hamilton,	no	}	Mr. Madison,	no	} div.
<i>New Jersey,</i>			Bland,	ay	
Mr. Boudinot,	no	} no	A. Lee,	no	
Clark,	no		Mercer,	ay	
Condict,	no		<i>North Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Hawkins,	ay	} div.
Mr. Fitzsimmons,	no	} no	Williamson,	no	
Wilson,	no		<i>South Carolina,</i>		
Peters,	no		Mr. Rutledge,	no	} no
<i>Maryland,</i>			Izard,	no	
Mr. Hemsley,	no	} *	Gervais,	no	

So it passed in the negative

The Committee consisting of Mr. [Hugh] Williamson, Mr. [Eliphalet] Dyer and Mr. [Silas] Condict who were appointed to enquire fully in the proceedings of the Department of the Post Office beg leave to report.

That they have made very particular enquiries into the conduct of the Post Office and have the satisfaction to find that the duties of that office are discharged with the utmost industry and oeconomy and with great attention at the same time to the public convenience.

Having examined the accounts of the Postmaster General they find that on the first of August 1782 there had been a balance in his hands of $202\frac{3}{5}\frac{0}{10}$ Dollars beside a small sum in paper money and that on the first of January 1783 there was a balance in his hands of $653\frac{3}{5}\frac{8}{10}$ Dolls.¹

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 61, folio 521. According to the indorsement it was delivered on this date, read and entered. It was entered in No. 188, the record of reports on the executive departments, and not in the Journal. See *ante*, January 6.

On this day, as the indorsements indicate, was read a letter of May 1 and one of May 3, from the Superintendent of Finance relative to his continuance in office. They are in No. 137, II, folios 397 and 425. The letter of May 1 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, 399; and that of May 3 on page 405.

Also a letter of May 3, from the Superintendent of Finance, enclosing a letter of same date from Edward Fox, Commissioner on adjusting the accounts of the General Hospital, relative to the claim of Doctor Darius Stoddard. It is in No. 137, II, folio 417, and Fox's letter is on folio 421.

Also a letter of April 30 from General Washington, enclosing correspondence with Sir Guy Carleton. It is in No. 152, XI, folio 237.

Also a letter of May 3 from General Washington. It is in No. 152, XI, folio 249. This letter is printed in the *Writings of Washington* (Ford) X, 239.

[TUESDAY, MAY 6, 1783]

Resolved, That a Committee be appointed to prepare a plan for an Equestrian Statue of his Excellency George Washington, Esq^r to be erected where Congress shall fix their residence.¹

WEDNESDAY, MAY 7, 1783

On the report of a committee, consisting of Mr. A[rthur] Lee, Mr. [Hugh] Williamson and Mr. [Abraham] Clark, to whom was referred a motion for an indemnification for acts done in execution of military operations:

Resolved, That it be recommended to the legislatures of the several states, to pass laws indemnifying all officers of the army of the United States, for damages which individuals may have sustained by any act or proceeding of such officers, which the execution of military operations may have rendered necessary.²

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Thomas] Mifflin and Mr. [Hugh] Williamson, to whom was referred a letter of 6, from the Secretary at War:

Resolved, That the Secretary at War, be directed to cause the accounts for subsistence money due to officers of the army of the United States, who were prisoners of war at the time hostilities ceased between the United States of America and Great Britain, to be settled up to the first day of this present month.³

The committee, consisting of Mr. [Stephen] Higginson, Mr. [Abraham] Clark and Mr. [John Lewis] Gervais, to whom was referred a motion of Mr. [Eliphalet] Dyer, report,

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 105. According to the indorsement, and to the record in Committee Books No. 186 and No. 191, it was referred, on this day, to Mr. A[rthur] Lee, Mr. [Oliver] Ellsworth and Mr. [Thomas] Mifflin. Their report was delivered May 8, and passed August 7.

² This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 21, folio 347.

³ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 27, folio 229. The Secretary at War's letter is in No. 149, II, folio 493.

That such of the states as have settled with the officers and soldiers of their respective lines, for their pay in the army of the United States since the first day of August, 1780, be requested to exhibit the accounts of such payments, with proper vouchers, shewing the periods to which they have settled with their several lines and the manner in which such payments were made, and the Superintendant of finance is hereby directed, upon the receipt of such accounts, vouched as aforesaid, to give to such states public securities, payable in the same manner and for the same sums as would have been otherwise given to the officers and soldiers of such lines for their pay, from the said first day of August, 1780, to the time when they were so paid by their respective States:¹

On the question to agree to the said report, the yeas and nays being required by Mr. [Eliphalet] Dyer,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. White,	ay	}	Mr. Mifflin,	ay	}
<i>Massachusetts,</i>			Fitzsimmons,	no	} div.
Mr. Gorham,	ay	}	<i>Virginia,</i>		
Higginson,	ay	} ay	Mr. Madison,	no	}
<i>Rhode Island,</i>			Bland,	no	} no
Mr. Collins,	ay	}	Lee,	ay	}
Arnold,	ay	} ay	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	no	}
Mr. Ellsworth,	ay	}	Williamson,	no	} no
Dyer,	ay	} ay	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	no	}
Mr. Hamilton,	no	}	Izard,	no	} no
<i>New Jersey,</i>			Gervais,	no	}
Mr. Boudinot,	ay	}			
Clark,	ay	} ay			
Condict,	ay	}			

So the question was lost.

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 21, folio 349. The vote is indorsed on it.

The committee of the week report that the memorial of Chaplains in the army be referred to a special committee.¹

The committee of the week [Mr. James Madison, Mr. Stephen Higginson and Mr. John Francis Mercer] report that no order be taken on the letter of Stacy Potts.²

The committee of the week report that the memorial of Michael Gratz and Wm. Powell be read in Congress for their consideration.³

The committee of the week report that the memorial of Erasmus Gill be referred to the Secretary at War to report.⁴

THURSDAY, MAY 8, 1783

Mr. J[ohn] Montgomery, a delegate from Pensylvania, returned, and took his seat.

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 21, folio 344, indorsed on the memorial. The indorsement states that on this date it was referred to Mr. [Abraham] Clark, Mr. [Oliver] Ellsworth, Mr. [Ralph] Izard. Committee Books No. 186 and No. 191 show that a report was delivered May 9, and acted upon, May 16:

² This report, in the writing of Stephen Higginson, indorsed on Potts's letter, is in the *Papers of the Continental Congress*, No. 32, folio 478. Potts's letter, dated Trenton, May 2, 1783, is on folio 475. The indorsement on the letter, by Charles Thomson, shows that it was referred on this day to Mr. [Abraham] Clark, Mr. [Nathaniel] Gorham, and Mr. [Hugh] Williamson. The Committee Book, No. 186, notes that the committee was renewed August 5, Mr. Samuel Holten being appointed on that date, in place of Gorham, and a report was delivered August 19. Accompanying Potts's letter and referred to the same committee was a letter dated Trenton, May 3, 1783, from William Houston. It is in No. 32, folio 479.

³ This report, in the writing of Stephen Higginson, indorsed on the memorial, is in the *Papers of the Continental Congress*, No. 41, III, folio 496. The memorial of Michael Gratz and William Powell, executors of the will of Colonel George Croghan, is on folio 493, and is dated Philadelphia, 1st May, 1783. The indorsement shows that it was read on this day.

⁴ This report, in the writing of Stephen Higginson, indorsed on the memorial, is in the *Papers of the Continental Congress*, No. 41, III, folio 499. The memorial is on folio 497. The indorsement states that it was referred to Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins and Mr. [John Francis] Mercer. It was acted on May 12.

On this day were read two letters of May 6, from the Secretary at War. One, conveying General Greene's appreciation of the vote of thanks passed by Congress, is in No. 149, II, folio 465; the other, enclosing two letters, of March 17, from General Greene, is on folio 489. One of Greene's letters, enclosing a representation made to him by the officers of the Southern Army respecting their subsistence money, is on folio 473, and the representation of the officers is on folio 469. Greene's other letter of March 17, relating to the Quartermaster's Department, is in No. 155, II, folio 607. It was referred on this day, as shown by the indorsement, and by Committee Book No. 186, to Mr. [Oliver] Ellsworth, Mr. [Benjamin] Hawkins and Mr. [Abraham] Clark, who delivered a report on June 10.

The delegates for Virginia laid before Congress a letter of the 3, from Thomas Walke; and the same being read,

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Hugh] Williamson,

Ordered, That a copy of the said letter be transmitted to the Commander in Chief, for his information in carrying into effect the resolution of the 15 of April last.¹

The Committee [Mr. Thomas Mifflin, Mr. Samuel Holten, Mr. John Lewis Gervais] on the letter from Oliver Pollock dated 8th May, 1783, report the following resolution—

Resolved, That the Secretary inform Mr. Pollock that Congress accept his present of a portrait of Don Bernardo de Galvez late Governor of Louisiana.

Resolved, That the Secretary do cause the same to be placed in the room in which Congress meet.²

[Motion of Mr. Stephen Higginson, and Mr. Arthur Lee.]

Resolved, That the Superintendent of Finance be directed to lay before Congress a ~~particular account~~ plan of the measures he has taken or intends to take for paying the army in consequence of the resolutions of 28 day of last month and the 2d day of this instant.³

¹ Walke's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 367.

² This report, in the writing of Thomas Mifflin, is in the *Papers of the Continental Congress*, No. 19, V, folio 195. The indorsement states that it was acted on this day. According to the record in Committee Books No. 186 and No. 191, the committee was appointed May 8 and the report delivered the same day, and "acted on by endorsing the acceptance on the letter." The following, undated, in the writing of Hugh Williamson, is on folio 197:

A letter was received from Mr. Oliver Pollock in which he informs Congress that having obtained a portrait of Don B. de Galvez, an early and zealous friend of the U. S., he begs leave to present the same to Congress. Pollock's letter dated Philadelphia, May 8, is in No. 50, folio 289. It is indorsed: "Letter of 8 May, 1783, Oliver Pollock. Read the same day.

Ordered, That the President inform Mr. O. Pollock that Congress in consideration of the early and zealous friendship of Don B. de Galvez late gov^r of Louisiana do accept the present of his Portrait."

³ This motion, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 107. The indorsement indicates that the motion was made on this date.

[Report of committee for arrangements on the Department of Foreign Affairs, Mr. Alexander Hamilton, Mr. James Madison, Mr. Oliver Ellsworth, Mr. James Wilson, Mr. Samuel Holten.]

The committee appointed "to consider what arrangements it will be proper to make relatively to peace," Submit the following report on the Department of Foreign Affairs:

Resolved, That the ordinances and resolutions heretofore passed relatively to the Department of Foreign Affairs shall continue in force subject to the alterations and additions following.

[That the Secretary for that Department shall be considered as the head of the Diplomatic corps of the United States of America and] to remove any doubts which may have existed, respecting the nature of his office, it is hereby declared to be his duty from time to time to lay before Congress such plans for conducting the political and commercial intercourse of the United States with foreign nations, as may appear to him conducive to the public interests of the said states.

~~That the Salary and emoluments other allowances to the Secretary for the Department of Foreign Affairs and to the Secretaries under him shall be as heretofore established.~~

That the said Secretary be entitled to the same allowance for salary and expences as is hereafter specified for a Minister at a foreign court, and that instead of two under Secretaries as by the resolution of the 1st of March, 1782, there be appointed under him, one official Secretary, with the same allowance as to a Secretary of Embassy, the said Secretary to be nominated by him and appointed by Congress.

~~That such persons as Congress shall think proper to keep or send abroad to represent the United States at foreign courts shall have no higher rank than that of Minister.¹~~

That each Minister shall be allowed eight thousand dollars, in lieu of all salary and expences; except for the postage of letters and for the purchase of public prints and papers, which shall be a charge upon the United States.

That the said Minister shall be invested with consular powers, and shall accordingly be at the same time Consul General in the country where he resides having the Superintendence and controul of all vice consuls or inferior commercial agents ~~according to an ordinance to be hereafter framed for that purpose~~ but shall not be at liberty to engage directly or indirectly in any kind of trade or traffic whatsoever.

¹ This paragraph is included in the copy of the report, not having been struck out.

That for the more convenient management of the commercial interests of the United States, there shall be so many vice-consuls appointed to reside in foreign ports, with which the trade of the said states may be carried on, as shall from time to time be found necessary, and that the said vice-consuls shall have free liberty to trade, but no salary or other emolument, except the usual commissions on such matters as they may be authorised to transact on account of the United States, and reimbursement for contingent and reasonable expences incurred on their behalf.

That the Secretary for foreign affairs prepare and lay before Congress an ordinance conformable to the foregoing principles for regulating the consular powers and privileges and the plan of a convention to be entered into with foreign nations for that purpose.

That whenever Congress shall judge it expedient to appoint an official Secretary to any embassy, he shall be entitled to a salary of one thousand dollars and to a place in the house and at the table of the Minister with whom he shall reside.

The committee think it unnecessary to report concerning the rank of the Secretary for foreign affairs, relatively to other heads of the Executive Departments, as this is an object comprehended in another report depending before Congress.¹

FRIDAY, MAY 9, 1783

On motion of Mr. [James] Madison, seconded by Mr. [Samuel] Holten,

Resolved, That the President, at the time of transmitting to the executive authorities of the several states copies of the recommendations of Congress of the 18 of April last, and the address of the 26 of the same month, inform them, that it is the earnest desire of Congress that such of the legislatures as are neither sitting, nor about to sit in a short time, may be convened with all possible expedition.²

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 33, folio 301. The indorsement shows that it was delivered on this day, entered and read. A copy of the report except the last paragraph, showing the action taken on the first two paragraphs, is on folio 305. The indorsement states that it was "To be considered Monday May 12th, 1783," having been entered May 8.

² This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 111.

The committee appointed to confer with the Secretary for Foreign Affairs on his continuance in office beg leave to report a letter from that gentleman, as the subject matter of their conference.

“PHILADELPHIA, 9th May, 1783.

SIR

The enquiries that the Committee were pleased to do me the honor to make this morning relative to my continuing to exercise the Office of Secretary for Foreign Affairs were extremely embarrassing to me—Because on the one hand, I find it impossible to continue in the Office on the present Establishment, without materially injuring my private Affairs; and on the other, to propose the terms on which I should stay, would be to overrate my own importance, and to suppose that others could not be had upon such conditions as Congress have been pleased to consider as sufficient. Having given my whole time, and a considerable part of my property to the Public during the War, I see with pleasure that the Affairs of the United States are not now in such a situation as to render the contributions of an Individual necessary. It is my wish to endeavour to repair the injuries my Estate has sustained by the Ravages of the Enemy, my own neglect, and the offices I have held. By my former letter Congress will be able to judge how far my Expences in the Office exceed the Salary; but as it by no means follows, that another with greater œconomy and humbler, but perhaps more just Ideas of the importance of the Office could live at less expence, I do not think that mine should be any reason to induce Congress to make other changes than such as they shall themselves deem necessary, and in this view I requested the Committee that called upon me last winter to keep the matter of Emolument entirely out of sight in their Report, as I then considered my stay only as a temporary inconvenience. At present, Sir, I must chuse between the Office I have been honoured with by Congress, and an important State Office. If I continue in the first, I must suppose it the business of years and lose sight of all objects in my own State, where I had something to hope from my Connections and the favour of my Countrymen, and where I possess an Estate, the value of which depends in a great measure upon my attention to it. Under these circumstances I presume to flatter myself, that the Committee will not think me blameable, when I assure them, that tho’ I am willing to give my time and services to the public, if they should be deemed necessary, yet I cannot in justice to myself or my Family add to the gift that of such a portion of my property as I find

absolutely necessary to support the Office I now hold. Permit me gentlemen to add, that having no wishes upon this subject, I am sincerely desirous that personal considerations may not enter into the arrangements that Congress make thereon.

I feel myself extremely honoured by the attention they have shewn me in directing you to confer with me on this subject, and I reflect with great pleasure on the Reasons I have had to be satisfied with their Conduct towards me since I have been honoured with the Office."¹

Resolved, That from and after the first day of November next the sums to be drawn for by the President of Congress for the support of his household according to the resolution of the 21st of November 1781 shall not exceed dollars per annum or at that rate during ~~such parts of the year as Congress may sit~~ [the time of his residence at the place where Congress shall usually sit]²

Ordered, That a committee consisting of Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Nathaniel] Gorham, be appointed to consider and report the means of reducing expenditures in all other Departments as well as the military—and that a letter of the 9th May from the Superintendent of Finance and the Secretary at War be referred to the said Committee, who are directed to confer with them.³

MONDAY, MAY 12, 1783

The committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Samuel] Osgood, Mr. [Oliver] Ellsworth, and Mr. [James] Wilson, to whom was referred a letter of the 3 from the Commander in Chief, having

¹ This report, the opening sentence being in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 25, II, folios 211-216. According to the indorsement, and the record in Committee Books 186 and 191, the committee, Mr. [Arthur] Lee, Mr. [Stephen] Higginson and Mr. [Ralph] Izard, were appointed May 7, and the report delivered May 9, read and filed.

² This motion, in the writing of Hugh Williamson, except the part in brackets which is in that of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 109. According to the indorsement, and the record in Committee Books 186 and 191, the motion was made by Williamson, seconded by [Samuel] Holten, May 9, 1783, and referred to Mr. [John] Rutledge, Mr. [Arthur] Lee and Mr. [Stephen] Higginson. On May 26 Lee was replaced on the committee by Mr. [Abraham] Clark, and the report was delivered and read May 30.

³ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

brought in a report, and the same having been debated and amended on Friday last, and the determination thereof postponed by the State of Virginia, a question was now taken; Whereupon,

Resolved, That the Commander in Chief be directed whenever the frontier posts in these United States shall be evacuated pursuant to the articles of peace, to place therein, of the troops under his command, [who have inlisted for three years, and] whose term of service may not then have expired, such force as he may judge necessary to secure and hold the same, until further measures can be taken for the security of them, or such of them as it may be necessary to continue to support, [provided it does not exceed the term of nine months]; and that he take measures for [exchanging with the British,] or transporting [artillery] stores and provisions, that he may judge necessary for that purpose; [and the Superintendant of finance is directed to afford all the assistance in his department which circumstances will permit]:

~~[Resolved, That the expence of such garrisons shall be charged to the particular State to whom the property of the posts so garrisoned shall be finally adjudged.]¹~~

On the question to agree to this, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. White,	ay } *	Mr. Ellsworth,	ay } ay
<i>Massachusetts,</i>		Dyer,	ay }
Mr. Holten,	ay }	<i>New York,</i>	
Gorham,	ay } ay	Mr. Hamilton,	ay } *
Higginson,	ay }	<i>New Jersey,</i>	
<i>Rhode Island,</i>		Mr. Boudinot,	ay } ay
Mr. Collins,	ay } ay	Clark,	ay }
Arnold,	ay }		

¹ This report, in the writing of Oliver Ellsworth, except the portions in brackets which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folios 431-433. The vote is indorsed on the report. A draft of the resolution, in the writing of Alexander Hamilton, is in No. 38, folio 303.

<i>Pennsylvania,</i>			<i>North Carolina,</i>			
Mr. Wilson,	ay	} ay	Mr. Hawkins,	ay	} ay	
Montgomery,	ay		Williamson,	ay		
Peters,	ay		<i>South Carolina,</i>			
<i>Maryland,</i>			Mr. Rutledge,	ay	} ay	
Mr. Carroll,	ay	} ay	Izard,	ay		
Hemsley,	ay		Gervais,	ay		
<i>Virginia,</i>						
Mr. Bland,	no	} no				
A. Lee,	no					
Mercer,	no					

So it passed in the affirmative.

On motion,

Resolved, (by nine states) That the Superintendant of finance be directed to pay to the officers who were deputed by the army to present their memorial to Congress, and also to Major Judd, attending Congress on his last memorial, presented the 8 of January last, in behalf of the de-ranked officers, whatever may have been their reasonable expences during their stay in town, until the commutation for half pay was agreed to by Congress.¹

On the report of a committee, consisting of Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins, and Mr. [John Francis] Mercer, to whom was referred a memorial of Erasmus Gill:

Resolved, (by nine states) That the accounts of Captain Erasmus Gill be liquidated and adjusted, and that the Superintendant of finance take order to replace the money which Captain Gill may prove to have been necessarily expended by him for the support of himself and officers, on his march from Savannah to Lancaster.²

The committee [Mr. Oliver Ellsworth, Mr. Hugh Williamson, Mr. John Lewis Gervais] to whom was referred a motion from the Dele-

¹ This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, II, folio 117. The indorsement states that it was by Clark seconded by [John] Rutledge.

² This report, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 19, II, folio 411. According to the indorsement, it was delivered May 9, entered and read.

gates of the State of Rhode Island with the accounts and claims therein referred to, report,

That the accounts of Maj. Josiah Flagg and Josiah Flagg Junr for their services in the department of the Commissary of Military Stores be ~~examined and liquidated by the Secretary at War, and the balances that shall be found due thereon secured in the same manner as in the case of other liquidated debts of the United States referred to the Secretary at War to report thereon.~~

Passed.

That the accounts of Doct^r. Jonathan Arnold be liquidated and settled by the commissioner for settling the accounts of the hospital department, who is hereby authorised to allow him pay and rations as an Assistant Deputy Director General in the said department from the 7th day of Jany. 1778, the time to which his accounts were settled by the State of Rhode Island, to the 9th of May 1779 when he was discharged, charging him with the monies advanced him for the use of that department by the State of Rhode Island and crediting the said State for the same in Account with the United States.

Recommended
May 14.

That the claim of the officers of a Brigade raised in the State of Rhode Island in Feby., 1779, for one year, with the approbation of Congress, for depreciation of their pay, is inadmissible, no allowance of that kind having been made or approved by Congress to any officers or soldiers discharged from service before the 10th of April 1780.¹

Passed.

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 19, I, folio 179. The indorsement states that it was reported this day, and on "September, 9, 1785, Arnold's accounts referred to committee for settling hospital accounts. This to be filed". According to the record in Committee Book No. 186, on May 16, "So much of their report on the request of the Delegates of Rhode Island as relates to the accounts of J. Arnold" was recommitted to Ellsworth Williamson and Gervais. See *post*, May 15 and June 10.

On this day, as the indorsement indicates, was read a letter, of May 12, from the Secretary at War, transmitting copies of letters between Major General Greene and the Governor of South Carolina on the subject of flags. It is in No. 149, II, folio 497.

Also, a letter of May 8, from General Washington enclosing copies of his correspondence of Sir Guy Carleton and "The Substance of the Conference" between them May 6. It is in No. 152, XI, folio 253. It was referred to Mr. [James] Madison, Mr. [Abraham] Clark and Mr. [James] Wilson; and, later, according to Committee Book No. 186, Mr. [Alexander] Hamilton was appointed on the committee, in place of Wilson.

WEDNESDAY, MAY 14, 1783

Mr. Benjamin Hawkins and Mr. H[ugh] Williamson, two of the delegates of North Carolina, attending, produced credentials dated 27 day of April, 1783, by which it appears, that Benjamin Hawkins, Hugh Williamson, Abner Nash, and Richard Dobbs Spaight, esqrs. were duly elected and appointed to represent the said State for one year, from the 13th day of May, 1783.

THE STATE OF NORTH CAROLINA

To the Honorable Benjamin Hawkins Hugh Williamson Abner Nash and Richard Dobbs Spaight Esquires Greeting

We reposing especial trust and confidence in your Integrity fidelity and abilities do by these presents constitute and appoint you and each of you our Delegates to represent us in the Congress of the United States of America, being elected for this purpose by joint ballot of Both Houses of our General Assembly now met at Hillsborough. To have hold and exercise all the Powers and authorities of this Your Delegation for one Year, to be computed from the thirteenth Day of May next, together with all the rights privileges profits and emoluments which to the same belong or in any wise appertain,

In Testimony whereof we have made these our Letters Patent. Witness Alexander Martin Esquire our Governor Captain General and Commander in chief who hath hereunto set his hand and affixed our Great seal at Hillsborough the 27th Day of April 1783, and seventh Year of our Independence.

ALEX: MARTIN

[with the great seal appendant]¹

By His Exllys Comd.
J. GLASGOW Sec.

The Committee [Mr. Stephen Higginson, Mr. Benjamin Hawkins Mr. John Lewis Gervais] appointed to enquire into the conduct of Capts. Greene and Barney agreeable to a request of the Superintendent of Finance in a letter of the 1st instant do report.

That having seen the instructions given to those Captains, and to Mr. Brown who was supercargo of the ship *Duc de Lauzun* and having

¹ The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

enquired minutely of those gentlemen concerning their respective voyages, they find the state of those transactions to be as follows:

The ship *Lauzun* went from hence to Havanna with a cargo of flour and beef on the public account. Mr. Brown who had the management of the business was directed to sell the flour and beef, and to ship the proceeds thereof, and of the bills he should there dispose of in cash, by the *Alliance*, the *Lauzun* or other good ships bound to America and in such proportions as circumstances might render eligible. No direction was given either to Mr. Brown or to Capt. Greene to ship any goods at Havanna in the *Lauzun* on the public account nor to take any goods on freight for the account of others. Mr. Brown and Captain Greene alledge that as the ship was not to be improved for the public use after her arrival at Havanna, in any other way than by bringing money from thence and as the expence of ballasting the ship properly for the passage home would have been great, probably about 1000 dollars, they conceived that taking in goods equal to the ballast wanted would, by saving that expence, be beneficial to the public. They therefore shipped on board the *Lauzun* the goods contained in the manifest. Those goods all belonged to themselves and the officers of the ship except a few small packages of no importance. They did not conceive their doing this was in any degree improper under such circumstances or injurious to the public. They accordingly made no secret of the matter but reported truly to the naval officer the whole goods brought in the ship; but through accident and inattention they did not make any report thereof to the Agent of Marine, which they ought to have done.

The directions given to Capt. Barney neither permitted not prohibited his taking any goods on board his ship in France, he however conceived himself and his officers to be entitled to the customary privileges. Accordingly he took on board in France sundry goods on freight as mentioned in the manifest. These goods he says were not equal in weight nor in bulk to the amount of their privileges, nor the goods which they carried from hence to France in the ship. The freight of these goods he and his officers received therefore to their own use. He had purchased some prize rum for his adventure, but that being a bulky article, he shipped it in another vessel at a higher freight than that which he received, that his own ship might be the less encumbered. Captain Barney received a letter from Dr. Franklin informing him that he should send him a British pass-

port for his ship which would secure his adventure against the enemy. That passport has no expression in it that even implies a prohibition to take goods in the ship or that the security of the ship would in any degree be thereby affected. Captain Barney reported to the Naval Officer the goods he brought from France in his ship but made no such report to the Agent of Marine.

The committee submit the following resolution to the consideration of Congress:

Resolved, That the conduct of Captain Greene and Mr. Brown relative to the ship *Duc de Lauzun* and the conduct of Captain Barney **relative to the ship** *Washington* as reported by the committee be referred to the Agent of Marine to take such order thereon as he may think best.¹

The committee of the week [Mr. John Montgomery, Mr. Jonathan Arnold and Mr. Thomas Mifflin] are of opinion that this memorial of Captain Pickles should be read in Congress.

13 May, 1783.²

THURSDAY, MAY 15, 1783

On the report of a committee, consisting of Mr. [Oliver] Ellsworth, Mr. [Hugh] Williamson, and Mr. [John Lewis] Gervais, to whom was referred a motion of the delegates of the State of Rhode Island:

Resolved, That the claim of the officers of a brigade raised in the State of Rhode Island and Providence Plantations, in February, 1779, for one year, with the approbation of Congress, for depreciation of their pay, is inadmissable, no allowance of that kind having been made or approved by Congress, to any officers or soldiers discharged from service before the 10 of April, 1780.

¹ This report, in the writing of George Bond, of the Secretary's Office, is in the *Papers of the Continental Congress*, No. 19, II, folio 515. The indorsement shows that it was delivered this day, entered and read, and June 5 assigned for consideration, but its final disposition is not indicated. According to Committee Book No. 191, it was filed.

² This report, in the writing of Thomas Mifflin, is in the *Papers of the Continental Congress*, No. 137, II, folio 625. Pickles's memorial is on folio 623. It was read on March 14 and referred to the Agent of Marine to report.

Ordered, That the accounts of Major J. Flagg, and J. Flagg, jun. for their services in the department of military stores, be referred to the Secretary at War to report thereon; and, that the remainder of the report be re-committed.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Samuel] Holten,

Resolved, That in future, when small committees are to be appointed, the members shall ballot at their seats, and a member for each State shall put their ballot into a box which shall stand on the table, and when all the states present have ballotted, the secretary shall take out the ballots and deliver them to the President, who shall note down the number for each person, and declare their names distinctly.

~~If there shall not be seven votes for each member the ballot shall be again taken to fill up the number requisite.¹~~

WAR OFFICE, *May 14th, 1783.*

SIR,

The enclosed letter will fully represent to Congress the peculiar situation in which Colonel Ternant finds himself placed by the promotion of Colonel Armand to the Rank of Brigadier, with the right of retaining the command of his legion.

Lieut. Colonel Ternant so fully acquiesces in the measure that no observations would have originated with him on the subject did he not suppose that the continuance of General Armand in the command of the Corps conveys a tacit reflection on him. There is now no Colonel to the Legion. Congress have, in several instances, in the Department of Engineers, given up their ideas, contained in their resolutions of 1778, that no more Colonels should be appointed, which opens a door to Lieut. Col. Ternant's promotion to the rank of Colonel, without injury to the right of any other officer, as promotion in the Corps of Horse and Artillery are to be regimental.

Although I would not wish the promotion of Lieutenant Colonel Ternant to the injury of any other officers, yet I cannot but observe

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 115.

that his services have been so honorary to himself and beneficial to the States, that the most ample justice is due to him.¹

WAR OFFICE, May 15th, 1783.

SIR,

At my last interview with the Commander in Chief, as well as in a late letter from him, he expressed a wish that those officers who now hold the same grade which they held in the year 1777 should at the close of the war be promoted to the next senior rank to the one which they now severally hold.

This, in his opinion, will not only be a great gratification to the officers, without any expence to the United States; but in some future day may be of real use to them.²

Ordered, That a Letter of 15th May, 1783, from the Superintendant of Finance respecting the appointment of an agent of United States at Havannah be referred to Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons and Mr. [Benjamin] Hawkins.³

FRIDAY, MAY 16, 1783

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Oliver] Ellsworth and Mr. [Ralph] Izard, to whom was referred a memorial from the chaplains, respecting their half pay and commutation in lieu thereof:

¹ This report is in the *Papers of the Continental Congress*, No. 149, II, folio 531. It was referred on this day, as the indorsement states, to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer and Mr. [Alexander] Hamilton. According to Committee Book No. 186, the committee was renewed July 16, and this and other matters that had been referred to the same committee were committed to Mr. [Alexander] Hamilton, Mr. [James] McHenry and Mr. [Richard] Peters; and on July 30 the committee was again renewed, Mr. [James] Duane being added in place of Hamilton. See *post*, June 17, 1783. The indorsement also says: "September 30, 1783, a question taken to promote Lieut. Col. Ternant one grade by brevet, lost." See *post*, April 22, 1784.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 589. According to the indorsement, it was referred to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer, and Mr. [Alexander] Hamilton, on July 16 the committee was changed to Mr. [Alexander] Hamilton, Mr. [James] McHenry, and Mr. [Richard] Peters, and August 5 Hamilton was taken off the committee and Mr. [Theoderick] Bland added; but, according to the record in Committee Book No. 186, Mr. [James] Duane was added to this committee July 30, in place of Hamilton, and Bland, on August 5, to the committee on the War Office letter of June 16. See *post* September 30.

³ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. According to the record in Committee Books No. 186 and No. 191, the report of the committee was delivered May 21, and acted upon May 30.

The Committee to whom was referred a memorial from several Chaplains of the army respecting their claim to half pay after the war, Report the following resolution,

Resolved, That the five years full pay granted as a commutation in lieu of half pay for life, to all who are entitled to the same by any former act of Congress shall be considered the pay whereof the half was promised, in which the pay of Chaplains continued in service after the 8th day of May 1781, shall be that of a Captain agreeable to the resolution of that date in favor of deranged Chaplains.¹

Resolved, That the commutation in lieu of half pay, as well to chaplains as to the officers of the hospital department and medical staff, shall be calculated by what they are respectively entitled to, agreeably to the resolutions of the 17 January and 8 May, 1781.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Daniel] Carroll and Mr. [Samuel] Osgood, to whom was referred so much of a letter of 11 June, 1781, from the hon. Dr. Franklin, and of a letter of 4 October, 1781, from the hon. J. Adams, as respects allowances to be made to the ministers of the United States at foreign courts,

Resolved, That the payment of couriers and the postage of letters ~~and the hire of clerks~~ shall be charged to the United States by their ministers at foreign courts, as contingent expences, and shall be allowed as such, exclusive of their salaries.²

The committee of the week [Mr. John Montgomery, Mr. Jonathan Arnold and Mr. Thomas Mifflin] are of opinion that the memorial of Capt. Seth Harding, late Commander of the ship *Confederacy*, requesting a settlement of his account of pay and of disbursements for the said ship should be referred to the Agent of Marine to report thereon.³

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 21, folio 345. The indorsement states that it was passed this day.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 25, II, folio 199. According to the indorsement, and the record in Committee Book No. 191, the report was delivered April 28. The resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

³ This report, in the writing of Thomas Mifflin, is in the *Papers of the Continental Congress*, No. 19, III, folio 43. The indorsement says that it was passed on this day. Harding's memorial, undated, is in No. 137, II, folio 493.

The committee [Mr. Theodorick Bland, Mr. Alexander Hamilton, and Mr. Eliphalet Dyer] to whom was referred the memorial of Rev J. P. Tetard, are fully satisfied that his services, sufferings and sacrifices in the cause of America have been as set forth in the said memorial, but in their opinion the prayer of the memorial cannot with propriety be granted.¹

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 42, VII, folio 445. Committee Book, No. 186, gives it this date but the indorsement gives it May 17. John Peter Tetard's memorial, dated Philadelphia, 8th May, 1783, was read and referred to committee May 12, and is on folio 443.

On this day, as the indorsement states, a memorial of the officers of the Navy, praying for relief, dated Philadelphia, April 28, 1783, was referred to Mr. [John] Collins, Mr. [Abraham] Clark and Mr. [William] Hemsley. The indorsement further says it was "Answered by Act August 1st, 1787." It is in No. 41, VII, folio 99. According to Committee Books No. 186 and No. 191 the committee was renewed August 5, and the memorial referred on that date to Mr. [Abraham] Clark, Mr. [John Francis] Mercer and Mr. [William] Ellery, who delivered a report August 19.

Also a memorial of James McKenzie and others, sailors on the *Bon Homme Richard*, praying for relief. It was dated May 14, and on May 16 was referred to the Agent of Marine to report. It is in No. 137, II, folio 601. See *post*, September 15.

On May 19, according to the indorsement, was read a letter of May 14 from General Washington. It is in No. 152, XI, folio 275.

Also, on May 19, according to the indorsement, Mr. [Theodorick] Bland laid before Congress a communication, of the same date, from James Belsches, Jr., relative to the difficulty of recovering negroes from the British. It is in No. 78, IV, folio 395.

Also, on May 19, a letter, of the same date, from the Secretary at War, transmitting a letter from General Washington, with a copy of one from Dr. James Craik, was referred to Mr. [Eliphalet] Dyer, Mr. [Hugh] Williamson and Mr. [Richard] Peters. The Secretary's letter is in No. 149, II, folio 585; Washington's letter is on folio 581, and a copy of Dr. Craik's letter on folio 577. According to Committee Books 186 and 191, a report was rendered June 10, 1783, and negatived April 16, 1784.

The following report, in the writing of Eliphalet Dyer, is marked "Col. Dyer's essay," and is on folio 575:

~~Your committee having taken into consideration the representation of~~ Craige
~~and General Washington's letter thereon are of opinion that as the commutation~~
~~proposed to Congress and by them adopted was founded wholly on their previous~~
~~engagements for half pay and that notwithstanding the merits of any particular gentle-~~
~~man in either of the Departments to which the half pay could be applied, it would~~
~~be attended with very great inconvenience to enter into a comparative view of the~~
~~particular circumstances of every person concerned as in that case if it should appear~~
~~that any of the officers in a comparative view of the time of their services or other~~
~~circumstances should not be equally entitled with others yet Congress could not~~
~~diminish from the substance of their contract, so on the other hand, it will not be~~
~~proper to make any addition but the whole being considered in a collective view no~~
~~addition or diminution can with propriety be made therein.~~

[TUESDAY, MAY 20, 1783]

~~That the said ministers be instructed also to endeavour to insert in the definitive treaty of peace between the U. S. and G. B., a reasonable provision for the interests of such of the inhabitants of Canada as may have suffered by confiscations or sequestrations of their effects, in consequence of their engaging in the service of the U. S.~~

That the said ministers be further instructed to contend for an express stipulation in the definitive treaty of peace providing for a fair liquidation of all charges for subsistence of prisoners of war and other just purposes, and for discharge of the balances which may appear to be due.¹

That the said ministers also endeavour to stipulate that neither party shall keep any naval force on the lakes on the Northern and Western frontier,²

WEDNESDAY, MAY 21, 1783 ³

The committee, consisting of Mr. [James] Madison, Mr. [Nathaniel] Gorham and Mr. [Thomas] Fitzsimmons, to whom was referred a letter of 21 April, from the Secretary for foreign affairs, together with letters of 16 and 19 December, 1782, o. s., from Mr. Dana, having reported thereon, and the report being postponed, a motion was made by Mr. [Alexander] Hamilton, seconded by Mr. [James] Madison, in the words following:⁴

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 69, II, folio 433. The indorsement dates it May 20, and Committee Book, No. 186, states that it was referred on this day to Mr. [John Francis] Mercer, Mr. [Thomas] FitzSimons and Mr. [Theodorick] Bland.

² This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 69, II, folio 443. The indorsement dates it May 20, and Committee Book, No. 186, states that it was referred to the same committee as Madison's motion. See *post*, May 30.

³ The proceedings for May 21, and May 22, were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), VI, 437-442.

⁴ Livingston's letter of April 21 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, 388; and Dana's letters of December 27 and 30, 1782, (December 16 and 19, O. S.), in VI, 170 and 171. According to the record in Committee Books No. 186 and No. 191, the committee was appointed April 21, their report was delivered April 22, and acted on, May 21 and 22.

Resolved, That Mr. Dana be informed that the treaties lately entered into ~~between the powers at war~~ for restoring peace have produced caused such an alteration in the affairs of these states as to have removed the primary object of his mission to the Court of Russia, the acquisition of ~~a new and powerful support~~ new supports to their Independence; That Congress, however, are still willing to accede to ~~a confederacy founded on the liberal basis of a maintenance of the rights of neutral nations and the privileges of commerce.~~ That though Congress approve the principles of armed neutrality founded on the liberal basis of a maintenance of the rights of neutral nations and of the privileges of commerce yet they are unwilling at this juncture to form connections, the extent of which has not yet assumed so explicit a form as to enable them to judge of its full extent become a party to a Confederacy [which may hereafter too far complicate the interests of the United States with the politics of Europe], and therefore if such a progress is not yet made in this business as may make it dishonorable to recede, it is their desire that no further measures may be taken at present towards the admission of the United States into that Confederacy.

That Congress deem it inexpedient at this time to accede to the armed neutrality if such progress is not already made in that business as to render it dishonorable.¹

~~Provided also that an engagement of honor may not already have been contracted for paying that money.~~

Provided the steps already taken do not imply an honorary engagement for the payment of that money.

That with respect to a Commercial treaty with Russia, they consider the benefits of it to this country in any extensive degree as rather remote, and have therefore ~~no~~ little present inducement to enter into it, besides a desire of cultivating the friendship of that Court and preserving a consistency with the disposition ~~they have already shown~~ already manifested towards forming a connection therewith and also of laying the foundation of a future intercourse ~~in trade~~ when the circumstances of the two countries may be more favorable to the same. That, as experience will enable both nations to form a better judgment hereafter of the principles upon which that intercourse may be ~~best~~ most advantageously conducted, Congress would wish any treaty now formed to be of temporary duration and limited to a fixed period.

¹ This paragraph is in the writing of Oliver Ellsworth.

That in this view, unless Mr Dana shall have already formed engagements or made proposals from which he cannot easily recede of a more indefinite and or extensive nature before this reaches him, he be instructed to confine the duration of the proposed Treaty of Commerce to fifteen years agreeable to the term limited for a similar Treaty with the Court of Sweden, and to stipulate expressly that the same shall be subject to the revisal of Congress previous to its final conclusion; and that in all matters he insist upon an exact reciprocity. ~~That he conform every essential point as far as circumstances will permit to the model of a treaty herewith transmitted.~~ That so soon as this object shall be accomplished or if he discovers any repugnancy on the part of the Court of Russia to entering into a Treaty with these States on liberal principles he be permitted to return home. That with respect to the money mentioned in his letter of the to be employed in presents to the ministers of that Court, he be informed that as by the Confederation no persons holding offices under the United States are permitted to receive presents from foreign powers, so it is not consistent with the situation or policy of these states to adopt that practice in their transactions with ~~the officers or ministers of~~ other nations, [and that he be instructed to decline paying the same, unless the steps already taken by him towards forming a treaty of commerce or treaties shall in his judgment imply an engagement to make such payment.]¹

That Mr. Dana be informed, that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these states, as to have removed the primary object of his mission to the Court of Russia, the acquisition of new supports to their independence. That with respect to a commercial treaty with Russia, they consider the benefits of it to this country in any extensive degree as rather remote, and have therefore little present inducement to enter into it, besides a desire of cultivating the friendship of that court, and preserving a consistency with the disposition already manifested towards forming a connection therewith, and also of laying a foundation of a

¹ The words in brackets are in the writing of Elias Boudinot; the motion, in the writing of Alexander Hamilton, except as indicated, is in the *Papers of the Continental Congress*, No. 36, II, folio 123-125.

future intercourse, when the circumstances of the two countries may be more favourable to the same. That as experience will enable both nations to form a better judgment hereafter of the principles upon which that intercourse may be most advantageously conducted, Congress would wish any treaty now formed to be of temporary duration, and limited to a fixed period. That in this view, unless Mr. Dana shall have already formed engagements or made proposals, from which he cannot easily recede, of a more indefinite and extensive nature, before this reaches him, he be instructed to confine the duration of the proposed treaty of commerce to fifteen years, agreeable to the term limited for a similar treaty with the Court of Sweden; and to stipulate expressly, that the same shall be subject to the revisal of Congress previous to its final conclusion, and that in all matters he insist upon exact reciprocity.

That so soon as this object shall be accomplished, or if he discovers any repugnancy on the part of the Court of Russia to entering into a treaty with these states on liberal principles, he be permitted to return.

That with respect to the money mentioned in his letters of 25 August, November 10, and 19 December, 1782, and 20 January, 1783, to be employed in presents to the ministers of that Court, he be informed, as that by the Confederation no persons holding offices under the United States are permitted to receive presents from foreign powers, so it is not consistent with the situation or policy of these states to adopt that practice in their transactions with other nations.

This being under debate, it was moved and agreed to amend it, by inserting the following clause after the words "new supports to their independence":

That though Congress approve the principles of the armed neutrality, founded on the liberal basis of a

maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a Confederacy which may hereafter too far complicate the interests of the United States with the politicks of Europe, and therefore, if such a progress is not yet made in this business as may make it dishonourable to recede, it is their desire, that no further measures may be taken at present towards the admission of the United States into that Confederacy.

A motion was made by Mr. [John] Rutledge, seconded by Mr. [Samuel] Holten, to strike out the last clause respecting money; and on the question, Shall that clause stand, the yeas and nays being required by Mr. [John Francis] Mercer—

<i>Massachusetts,</i>		<i>Maryland,</i>	
Mr. Holten,	no	Mr. Carroll,	ay
Gorham,	no	Hemsley,	ay
Higginson,	no		
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Collins,	no	Mr. Madison,	ay
Arnold,	no	Bland,	ay
		Mercer,	ay
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Ellsworth,	no	Mr. Hawkins,	ay
Dyer,	ay	Williamson,	ay
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Hamilton,	no	Mr. Rutledge,	no
<i>New Jersey,</i>		Izard,	no
Mr. Boudinot,	ay		
Clark,	ay		
<i>Pennsylvania,</i>			
Mr. Fitzsimmons,	no		
Montgomery,	ay		
Peters,	no		

So the question was lost; and the clause was struck out.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [James] Madison, in lieu of what was

struck out to insert as follows: That with respect to the money mentioned, &c. (in the words of the original motion to the end, with this addition) and that he be instructed to decline paying the same, unless the steps already taken by him towards forming a treaty or treaties, shall, in his judgment, imply an engagement to make such payment.

And on the question to agree to this, the yeas and nays being required by Mr. [Hugh] Williamson—

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	no	} no	Mr. Fitzsimmons,	ay	} ay
Gorham,	no		Montgomery,	ay	
Higginson,	no		Peters,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Collins,	ay	} ay	Mr. Carroll,	ay	} ay
Arnold,	ay		Hemsley,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Ellsworth,	ay	} ay	Mr. Madison,	ay	} ay
Dyer,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Hamilton,	ay	} *	Mr. Hawkins,	ay	} ay
<i>New Jersey,</i>			Williamson,	ay	
Mr. Boudinot,	ay	} ay	<i>South Carolina,</i>		
Clark,	ay		Mr. Rutledge,	no	} no
			Izard,	no	

So it was resolved in the affirmative.

On the question to agree to the original motion as amended, the yeas and nays being required by Mr. [Benjamin] Hawkins—

<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Holten,	no	} no	Mr. Hamilton,	ay	} *
Gorham,	no		<i>New Jersey,</i>		
Higginson,	no		Mr. Boudinot,	ay	
<i>Rhode Island,</i>			Clark,	ay	} ay
Mr. Collins,	ay	} div.	<i>Pennsylvania,</i>		
Arnold,	no		Mr. Fitzsimmons,	ay	} ay
<i>Connecticut,</i>			Wilson,	ay	
Mr. Ellsworth,	ay	} ay	Peters,	ay	
Dyer,	ay				

<i>Maryland,</i>				<i>North Carolina,</i>			
Mr. Carroll,	ay	}	ay	Mr. Hawkins,	ay	}	ay
Hemsley,	ay			Williamson,	ay		
<i>Virginia,</i>				<i>South Carolina,</i>			
Mr. Madison,	ay	}	ay	Mr. Rutledge,	no	}	no
Mercer,	ay			Izard,	no		

So the question was lost.

THURSDAY, MAY 22, 1783

Congress resumed the consideration of the subject under debate yesterday; and the report of the committee being again postponed,

A motion was made by Mr. [James] Madison, seconded by Mr. [Daniel] Carroll,

That Mr. Dana be informed, that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these states, as to have removed the primary object of his mission to the Court of Russia, the acquisition of new supports to their independence; that he be instructed, in case he shall have made no propositions to the Court of Russia on the subject of a treaty of commerce, to decline making such until he shall receive further instructions from Congress; that in case he shall have made such propositions, he be ~~instructed~~ informed, that it is the desire of Congress, that as far as will consist with the ~~tenor thereof~~ honour of the United States he insist on a limitation of the treaty to the period of fifteen years; and that the same be subject to the revisal and approbation of Congress, before they shall be obliged to accept or ratify it. That a committee be appointed to prepare and report ~~instructions~~ the plan of a treaty proper to be transmitted to Mr. Dana.¹

¹ This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 121.

A motion was made by Mr. [Oliver] Ellsworth, seconded by Mr. [Nathaniel] Gorham, to postpone the consideration of the foregoing motion, in order to consider the following:

That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty between these United States and the Court of Russia, to ~~insist as far as may be done consistent with the honor of these states~~ stipulate, that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress, before they shall be under obligations to accept or ratify it.¹

And on the question for postponing for the purpose abovementioned, the yeas and nays being required by Mr. [Samuel] Holten—

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Holten,	ay	} ay	Mr. Carroll,	ay	} div.
Gorham,	ay		Hemsley,	no	
Higginson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Madison,	no	} no
Mr. Collins,	ay	} ay	Mercer,	no	
Arnold,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	no	} no
Mr. Ellsworth,	ay	} ay	Williamson,	no	
Dyer,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	ay	} no
Mr. Hamilton,	ay	} *	Izard,	no	
<i>New Jersey,</i>			Gervais,	no	
Mr. Boudinot,	no	} no			
Clark,	no				
<i>Pennsylvania,</i>					
Mr. Mifflin,	no	} no			
Fitzsimmons,	no				
Montgomery,	no				
Peters,	no				

So it passed in the negative.

¹ This motion, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 36, II, folio 119. The three votes are indorsed on it.

On the question to agree to the motion of Mr. [James] Madison, the yeas and nays being required by Mr. [Daniel] Carroll—

<i>Massachusetts,</i>		<i>Maryland,</i>	
Mr. Holten,	no	Mr. Carroll,	ay
Gorham,	no	Hemsley,	ay
Higginson,	no	<i>Virginia,</i>	
<i>Rhode Island,</i>		Mr. Madison,	ay
Mr. Collins,	ay	Mercer,	ay
Arnold,	no	<i>North Carolina,</i>	
<i>Connecticut,</i>		Mr. Hawkins,	ay
Mr. Ellsworth,	no	Williamson,	ay
Dyer,	no	<i>South Carolina,</i>	
<i>New York,</i>		Mr. Rutledge,	no
Mr. Hamilton,	no	Izard,	no
<i>New Jersey,</i>		Gervais,	no
Mr. Boudinot,	ay		
Clark,	ay		
<i>Pennsylvania,</i>			
Mr. Mifflin,	ay		
Fitzsimmons,	ay		
Montgomery,	ay		
Peters,	ay		

So the question was lost.

The motion proposed by Mr. [Oliver] Ellsworth was then made; and on the question to agree thereto, the yeas and nays being required by Mr. [Nathaniel] Gorham—

<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Holten,	ay	} ay	Mr. Boudinot,	ay	} ay
Gorham,	ay		Clark,	ay	
Higginson,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Mifflin,	ay	} ay
Mr. Collins,	ay	} ay	Fitzsimmons,	ay	
Arnold,	ay		Montgomery,	ay	
<i>Connecticut,</i>			Peters,	ay	
Mr. Ellsworth,	ay	} ay			
Dyer,	ay				

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Carroll,	ay	} ay	Mr. Hawkins,	ay	} ay
Hemsley,	ay		Williamson,	ay	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Madison,	ay	} ay	Mr. Rutledge,	ay	} ay
Mereer,	ay		Izard,	ay	
			Gervais,	no	

So it was

Resolved, That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty between the United States of America and the Court of Russia, to stipulate, that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress, before they shall be under obligations to accept or ratify it.

On motion of Mr. [Stephen] Higginson,

Ordered, That a committee be appointed to prepare and report a plan of a commercial treaty proper to be transmitted to Mr. Dana.

The members chosen—Mr. [Thomas] Fitzsimmons, Mr. [Stephen] Higginson and Mr. [John] Rutledge.

[Motion of Mr. Nathaniel Gorham, seconded by Mr. Stephen Higginson.]

Whereas the resolutions of Congress of the 18th of March 1780 for calling in the old continental money has by some of the States been wholly neglected and by others in part only complied with, by means whereof some of the States ~~have been~~ are greatly injured.

Therefore, Resolved, That the superintendent of finance be directed forthwith to take measures for calling in the old emission bills, that yet remain out of the Treasury of the United States, and to give certificates to the possessors for the amount thereof in specie at the rate of one silver dollar for seventy five continental dollars, bearing interest at the rate of six per cent per annum from the date.

And it is further Resolved, That the several States in the union shall be allowed interest on the amount of such bills reduced into specie at the rate aforesaid, as by them has heretofore been paid to

the loan officers in their respective States, the interest to commence at the time when the money was paid into said offices.¹

The Committee of the Week [Mr. Thomas FitzSimons, Mr. Ralph Izard and Mr. Eliphalet Dyer] report,

That the memorial of John Lucas be referred to a special committee.²

Ordered, That a memorial of John Lochman to have his accounts finally settled and balance paid or secured, be referred to the Superintendent of Finance to report.³

FRIDAY, MAY 23, 1783

The committee, consisting of Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Nathaniel] Gorham, to whom was referred a letter of the 9, from the Superintendent of finance and Secretary at War, in order to confer with them on the resolutions of the 7 and 28 April, and 2d instant report, that all the non-commissioned officers and soldiers in the service of the United States, inlisted to serve during the war, be discharged; and that the Secretary at War and Commander in Chief take the proper measures for doing this, in a manner most convenient to the soldiery and to the inhabitants, having the men previously conducted, under proper officers, to their respective states; and that they be at the same time authorised to retain as many officers as they may judge necessary to command the men who still continue in service, permitting the others to retire.⁴

¹ This motion, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 26, folio 457. The indorsement states that it was presented this day and Monday, May 26, assigned for its consideration.

² This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 41, V, folio 302, being indorsed upon Lucas's memorial, which is dated May 19, and is on folio 299. According to the indorsement, and to Committee Books No. 186 and No. 191, the memorial was referred, on May 22, to Mr. [Hugh] Williamson, Mr. [Abraham] Clark and Mr. [Theodorick] Bland, and a report was delivered June 10 and also on October 22. They do not appear to have been acted upon.

³ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

⁴ The letter of the Superintendent of Finance and Secretary at War is in the *Papers of the Continental Congress*, No. 137, II, folio 429.

A motion was made by Mr. [James] Madison, seconded by Mr. [Daniel] Carroll, that the report be re-committed:

And on the question for re-commitment, the yeas and nays being required by Mr. [Eliphalet] Dyer,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Holten,	ay	} ay	Mr. Carroll,	ay	} ay
Gorham,	ay		Hemsley,	ay	
Higginson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Madison,	ay	} ay
Mr. Collins,	no	} no	Bland,	ay	
Arnold,	no		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Ellsworth,	no	} no	Mr. Hawkins,	ay	} ay
Dyer,	no		Williamson,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Hamilton,	no	} *	Mr. Rutledge,	no	} ay
<i>New Jersey,</i>			Izard,	ay	
Mr. Boudinot,	no	} no	Gervais,	ay	
Clark,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	no	} div.			
Wilson,	no				
Montgomery,	ay				
Peters,	ay				

So the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Daniel] Carroll, to postpone the report, in order to take up the following motion:

That the Commander in Chief be instructed to grant furloughs to the non-commissioned officers and soldiers in the service of the United States, inlisted to serve during the war, who shall be discharged as soon as the definitive treaty of peace is concluded, together with a proportionable number of commissioned officers of the different grades: and that the Secretary at War and Commander in Chief, take the proper measures for conducting those troops to their respective homes, in such a manner as may be most convenient to themselves, and to the states through which they may pass,

and that the men thus furloughed be allowed to take their arms with them, the resolution of 23 April to the contrary notwithstanding:

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Eliphalet] Dyer,

<i>Massachusetts,</i>				<i>Maryland,</i>			
Mr. Holten,	no	}	no	Mr. Carroll,	ay	}	ay
Gorham,	no			Hemsley,	ay		
Higginson,	no			<i>Virginia,</i>			
<i>Rhode Island,</i>				Mr. Madison,	ay	}	ay
Mr. Collins,	no	}	div.	Bland,	ay		
Arnold,	ay			Mercer,	no		
<i>Connecticut,</i>				<i>North Carolina,</i>			
Mr. Ellsworth,	ay	}	div.	Mr. Hawkins,	ay	}	ay
Dyer,	no			Williamson,	ay		
<i>New York,</i>				<i>South Carolina,</i>			
Mr. Hamilton,	no	}	*	Mr. Rutledge,	no	}	no
<i>New Jersey,</i>				Izard,	no		
Mr. Boudinot,	no	}	no	Gervais,	no		
Clark,	no						
<i>Pennsylvania,</i>							
Mr. Fitzsimmons,	no	}	div.				
Wilson,	no						
Montgomery,	ay						
Peters,	ay						

So the question was lost.

On the question to agree to the report, the yeas and nays being required by Mr. [Alexander] Hamilton,

<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Holten,	ay	} ay	Mr. Boudinot,	ay	} ay
Gorham,	ay		Clark,	ay	
Higginson,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Fitzsimmons,	ay	} div.
Mr. Collins,	ay	} div.	Wilson,	ay	
Arnold,	no		Montgomery,	no	
<i>Connecticut,</i>			Peters,	no	
Mr. Ellsworth,	ay	} ay			
Dyer,	ay				

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Carroll,	no	} no	Mr. Hawkins,	no	} no
Hemsley,	no		Williamson,	no	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Madison,	no	} no	Mr. Rutledge,	no	} no
Bland,	no		Izard,	no	
Mercer,	no		Gervais,	no	

So the question was lost.

[Motion of John Francis Mercer, seconded by Ralph Izard.]

Whereas Sir Guy Carleton has not given such reasons for continuing with the British forces in the garrison of New York as are satisfactory to Congress: and whereas the said Sir Guy Carleton has suffered many negroes the property of the citizens of these United States to be carried off, contrary to the 7th article of the Preliminary Treaty,

Resolved, That it is not expedient at present to disband or furlough the army of the United States.—Withdrawn.¹

The Agent of Marine to whom was referred the Memorial of Seth Harding, begs leave to report,

That the Memorialist appears to be among the number of public creditors whose Claims must come before the Commissioner to be appointed for the purposes of liquidating and finally settling the accounts of the Marine Department up to the last day of December 1781; that he expects a proper person will soon be named for that business and then the accounts of the memorialist will come in course for settlement. For the ballance that shall appear to be due, he will partake of such relief as the public funds may then be in a situation to afford, but that at present the prayer of his memorial can not be complied with.

All which is humbly submitted

ROB^t. MORRIS

MARINE OFFICE 22 May 1783.²

The committee of the week [Mr. Thomas FitzSimons, Mr. Ralph Izard, and Mr. Eliphalet Dyer] report, upon the petition of Eleazer Levy respecting a mortgage which he holds upon the lands at West Point,

¹ This motion, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 36, II, folio 127. The indorsement gives it this date.

² This report is in the *Papers of the Continental Congress*, No. 137, II, folio 489. It was read on this day, according to the indorsement.

That in their opinion it is not expedient for Congress to take any order therein.¹

The committee of the week [Mr. Thomas FitzSimons, Mr. Ralph Izard, and Mr. Eliphalet Dyer] report,

That the petition of William Stevens and others, mates of the general hospital in the Southern department, praying to be allowed half pay or compensation be referred to a special committee.

Question taken for committing lost.²

The Committee of the week [Mr. Thomas FitzSimons, Mr. Ralph Izard and Mr. Eliphalet Dyer] report that the memorial of Thomas Bell, praying that his commission granted by the Commissioners at Paris may be ratified by Congress, be referred to the Agent of Marine to report.³

MONDAY, MAY 26, 1783

On the report of a committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons and Mr. [Benjamin] Hawkins, to whom was referred a letter of 15, from the Superintendant of finance, announcing the decease of Robert Smith, late agent from the United States at the port of Havannah:

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 42, IV, folio 296. Levy's petition is on folio 294. The indorsement indicates that it was read on this day.

² This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 42, V, folio 290. The petition is on folio 287. The indorsement shows the action taken.

³ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 137, II, folio 630. Bell's memorial is on folio 627. It was referred to the Agent of Marine to report.

On this day, according to the indorsement, was read a letter of May 22 from the Agent of Marine transmitting letters of J. P. Jones and a letter from the Marquis de Vandreuil relating to him. It is in No. 137, II, folio 467.

Also a letter of May 22 from the Agent of Marine relative to the trial of Samuel Cooper, a purser. It is in No. 137, II, folio 495.

Also a letter of May 22 from the Agent of Marine, relative to the trial of Matthew Parke, a captain of marines. It is on folio 499.

Also a letter of May 22 from the Secretary at War enclosing letters and memoranda from John Allan, Agent Indian Eastern Department. It was referred to Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Oliver] Ellsworth, Mr. [James] Wilson, and Mr. [Samuel] Holten. It is in No. 149, II, folio 557.

Also a letter of May 23 from the Secretary at War, relative to moving artillery from the Head of Elk. It is in No. 149, II, folio 553.

The Committee to whom was refered the Letter of the 15 inst^t from the Superintendant of Finance respecting the appointment of an Agent at Havana, beg leave to report,

That in their opinion it is highly necessary an agent should immediately be appointed for that service.¹

Resolved, That another agent be appointed for that service.

Ordered, That to-morrow be assigned for the election.

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Ralph] Izard,

Whereas by the articles agreed upon on the 30 of November last by and between ~~Richard Oswald Esq^r the commissioner of his Britannic Majesty for treating of peace with the commissioners of the United States of America in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said States for treating of peace with the commissioner of his said Majesty on their behalf, on the other part, to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States,~~ the commissioners of the United States of America for making peace, and the commissioner on the part of his Britannic Majesty, it is stipulated,

That his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same: and whereas a considerable number of negroes belonging to the citizens of these states, have been carried off therefrom, contrary to the true intent and meaning of the said articles:

Resolved, That copies of the letters between the Commander in Chief and Sir Guy Carleton, and other papers on this sub-

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 19, IV, folio 397. The letter of the Superintendent of Finance is on folio 401.

ject, be transmitted to the ministers plenipotentiary of these states for negotiating a peace in Europe; and that they be directed to remonstrate thereon to the Court of Great Britain, and ~~use their utmost endeavors to obtain~~ take proper measures for obtaining such reparation as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to the Commander in Chief; and that he be directed to continue his remonstrances to Sir Guy Carleton, respecting the permitting negroes belonging to the citizens of these states to leave New York, and to ~~endeavor to prevail with him to discontinue~~ insist on the discontinuance of that measure.¹

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Stephen] Higginson,

Resolved, That the Commander in Chief be instructed to grant furloughs to the non-commissioned officers and soldiers in the service of the United States, enlisted to serve during the war, who shall be discharged as soon as the definitive treaty of peace is concluded, together with a proportionable number of commissioned officers of the different grades; and that the Secretary at War and Commander in Chief take the proper measures for conducting those troops to their respective ~~states~~ homes, in such a manner as may be most convenient to themselves, and to the states through which they may pass; and that the men thus furloughed be allowed to take their arms with them ~~the resolution of to the contrary notwithstanding.~~²

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Benjamin] Hawkins,

Resolved, That the commanding officer in the southern department be also instructed to grant furloughs to the

¹ This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, II, folio 129. It was also entered in the manuscript Secret Journal, Foreign Affairs.

² This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 131. A note on the motion says: "made by Col. Hamilton, 2^d by Mr. Williamson."

troops under his command, from the State of North Carolina, who have been enlisted to serve for ~~a certain named space of time~~ the term of eighteen months, [together with a proportionable number of commissioned officers of the different grades]; and that the Secretary at War, in conjunction with the commanding officer, take measures for conducting such troops to their respective homes.¹

The Committee [Mr. John Lewis Gervais, Mr. Thomas Fitz-Simons, Mr. Stephen Higginson] to whom was referred the report of the Superintendent of Finance on John Kirk's memorial submit the following observations to the consideration of Congress:

That according to a certificate from the Deputy Comm^y of purchases produced to your Committee, it appears that thirteen hogsheds of rum containing 1440 gallons were taken by impress from the memorialist on the 13th April 1779; That having received no payment for said rum, he was at last obliged on the 3rd June 1780 after the surrender of Charlestown to take a bill of exchange from General Lincoln for 34446 dols. being the value of the rum in 1779, which bill was accepted by the Board of Treasury under an act of Congress of the 23rd March 1780, which entitled him to receive payment in loan office certificates, but these not having been applied for as the Comptroller believes he reduced the same to specie value according to an Act of Congress of the 23rd July, 1781. During this enquiry your Committee find that the amount of bills drawn by General Lincoln from the 29th January to the 12th June 1780 and which have been presented amount to 5,256,553 $\frac{4}{5}$ Dollars. That 1,999,840 $\frac{3}{5}$ Dols. have been paid in cash or in loan office certificates. That 466,413 $\frac{7}{10}$ are passed to the credit of the holders under the title of funded debts, and certificates given for the specie value according to the table of depreciation made by the British police at Charlestown. That 2,790,299 $\frac{3}{5}$ remain in the hands of the holders, and is neither paid nor funded but reduced to specie value in like manner according to the British table of depreciation, among which number are the above bill of Mr. Kirk for 35446 Dol. at about 80 for one, and another bill for 11400 Dols. which he purchased of General

¹ This motion, in the writing of Hugh Williamson, except the portion in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 133. The following, undated, also in Williamson's writing, probably refers to this motion; it is in No. 36, IV, folio 389:

"To be disposed of as the commanding officer of the Southern department shall direct."

Lincoln dated 22 April 1780 settled at about 74 for one. From this state it is evident that the holders of General Lincoln's bill are not put upon an equal footing. According to an act of Congress of the 18th of June 1780, the loan office certificates issued from and after the 18th March 1780 are to be paid in Specie at 40 for one, and those bills under the table of funded debts, as also those that remain unfunded are settled some of them at eighty for one, contrary as your committee conceive to the act of Congress of the 23rd March 1780 under which said bills were accepted, as it could not be the intent of the resolution of the 23rd July 1781 that the holders of those bills which remained unpaid should receive less value than those that had been paid previous to it. But your committee are of opinion that it would be improper to grant any partial relief. At the same time in order to put the holders of the aforesaid bills on an equality your committee recommend the following *Resolve*,

That all the bills drawn by General Lincoln while commanding officer in the Southern Department be paid or funded at the same specie value as loan office certificates of the same dates are rated at, any resolution to the contrary notwithstanding.¹

[Mr. Eliphalet Dyer's motion May 26, 1783, referred to Mr. Eliphalet Dyer, Mr. Abraham Clark, Mr. Hugh Williamson.]

That all promotions hereafter made in the army of the U. S. shall, in consideration of the cessation of Hostilities, be considered only as Honorary, but not entitle those promoted to any additional pay or emoluments on account thereof.²

¹ This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 19, III, folio 365. The indorsement states that it was delivered on this day.

² This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 21, folio 359. The following motion, undated, also in Abraham Clark's writing, is in No. 36, IV, folio 79, and seems to belong to this period:

Resolved, That it be recommended to the several States to make such provisions as they shall think proper in lieu of pay and subsistence to the officers of their states retiring under the foregoing resolutions who shall not be employed in the Staff department as aforesaid until called into service with their proper command. That the said officers shall retain their rank in the army and be called into the service from time to time according to seniority in case of deficiencies of officers upon the principles of the foregoing resolutions.

Also, the following, undated, in the writing of Alexander Hamilton; it is in No. 36, IV, folio 365:

Resolved, That the officers at present holding brevet commissions in the army be entitled to the pay and emoluments of the ranks which they respectively hold.

The committee [Mr. Daniel Carroll, Mr. Nathaniel Gorham, Mr. Arthur Lee, Mr. Phillips White, Mr. John Francis Mercer] appointed to consider the letter from Thomas Chittenden, Esq., and the other papers relative to the territory called Vermont,

Report, that it will be proper for Congress to determine whether the inhabitants of that district commonly called Vermont shall be admitted into Fœderal union as a seperate State, after which it may be proper to consider what further steps should be taken respecting the matters referred to in the different papers that have been referred to them.¹

Resolved, That the Commissioner for settling the accounts of the Hospital department be and he is hereby authorized and directed to audit and settle the accounts of Dr. Jonathan Arnold, as Assistant deputy director in the Eastern Department from 7th January, 1778, to May 9th, 1779, as well for all supplies and expenditures as for pay and rations, and that he also settle the accounts of all those who were necessarily employed in hospital service by the said Dr. Arnold within the term aforesaid. That their pay and other allowaunces be the same as by the resolutions of Congress are allowed to those of similar stations in the Hospital Department. And that the said commissioner allow in such settlement for depreciation upon all advances and sums due to each respectively, with an interest of six per cent. per annum from the times they became due.²

¹ This report, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 40, II, folios 412 and 420. The indorsement shows that it was delivered this day, and Committee Book, No. 186, gives it the same date. See *ante*, February 4.

² This motion, in the writing of Jonathan Arnold, is in the *Papers of the Continental Congress*, No. 42, VI, folio 485. The indorsement gives it this date. It was referred to Mr. [Oliver] Ellsworth, Mr. [Hugh] Williamson, and Mr. [John Lewis] Gervais. See *post*, June 10, 1783.

On this day, as the indorsement indicates, was read a letter of May 26, from the Secretary at War, enclosing a letter from General Washington, on the subject of Captain Segond's promotion. The Secretary's letter is in No. 149, II, folio 549, and Washington's on folio 545. They were referred to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer and Mr. [Alexander] Hamilton. According to Committee Book No. 186, this, and other matters which had been referred to Mifflin, Mercer and Hamilton, were committed, on July 16, to Mr. [Alexander] Hamilton, Mr. [James] McHenry and Mr. [Richard] Peters; and, on July 30, the committee was again renewed, and the business committed to Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [James] Duane.

Also on this day was read a letter of May 21 from General Washington, enclosing an address, dated May 1, from the Sergeants of the Connecticut Line. It is in No. 152, XI, folio 287, and was referred to Mr. [Theodorick] Bland, Mr. [Hugh] Williamson, and Mr. [Nathaniel] Gorham. According to Committee Book No. 186, they made a report June 4.

THURSDAY, MAY 29, 1783

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Abraham] Clark,

Resolved, That General Washington be informed, in answer to his letter of the 14th, that it is the desire of Congress, the evacuation of New York and its dependencies may not be retarded by a preference to that of any other place.¹

[Motion of Mr. Samuel Holten referred to Mr. Thomas FitzSimons, Mr. Richard Peters, Mr. Samuel Holten.]

Resolved, That Michael Hillegas Esq^r Treasurer of the United States of America, be and hereby is directed to execute a letter of attorney, authorising James Sullivan Esq. at his own risque and expence, to sue and prosecute the obligation executed by William Perkins, Mariner, Captain or Commander of the Private Schooner of War the *Spitfire*, and Nathaniel Brookhouse and Isaac Needham, Merchants his sureties for the use of the United States, and upon recovering or receiving the penalty thereof, to pay the same after deducting the necessary charges into the Treasury of the United States subject to the distribution of Congress amongst the parties aggrieved at that time, by the malversation of the said William Perkins, according to the injuries they may respectively have received, and that the overplus (if any) be retained for the use of the said William Perkins, or his said sureties.

And it is further Resolved, That the said Michael Hillegas be directed to execute a Letter of Attorney authorising the said James Sullivan, at his own risque and expence, to sue and prosecute the obligation executed by James Pickman, Mariner, Captain or Commander of the Private Schooner of War the *Cato*, and Miles Ward jun^r and David Felt, Merchants, his sureties for the use of the United States, and upon recovering or receiving the penalty thereof, to pay the same after deducting the necessary charges, into the Treasury of the United States subject to the distribution of Congress amongst the parties aggrieved at that time by the malversation of the said James Pickman according to the injuries they may respectively have

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 135.

received, and that the overplus (if any) be retained for the use of the said James Pickman or his said sureties.¹

Ordered, That a petition of Silas Talbot, relative to the settlement of his accounts, be referred to the Superintendant of Finance to report.²

FRIDAY, MAY 30, 1783

Mr. Richard Beresford, a delegate for South Carolina, attended, and produced the credentials of his appointment, by which it appears, that on the 15 March last he was duly elected.

IN THE HOUSE OF REPRESENTATIVES

March 9^c 15th 1783

STATE OF SOUTH CAROLINA,

The Honorable The Senate attended and together with this House Voted for another Delegate to represent this State in Congress.

On Casting up the Ballots M^r Speaker declared The Honorable Richard Beresford Esquire to be duly Elected.

I do hereby certify that the above is a true Extract taken from the Journals of the House of Representatives.

JOHN SANDFORD DART, C H R^s

The committee, consisting of Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth, Mr. [Ralph] Izard, Mr. [James] Madison and Mr. [Benjamin] Hawkins, appointed to take into consideration and report to Congress what further steps are proper to be taken by them for carrying into effect the stipulations contained in the articles between the United States and Great Britain, dated the 30 day of November last, having reported as follows:

“Whereas by the treaty entered into at Paris, on the 30 day of November last, between the commissioners for making

¹ This motion, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 36, II, folio 139. It was acted on June 2.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

On this day, as the indorsement indicates, a letter of May 27 from the Agent of Marine, stating that Lieutenant Barney, of the *Washington Packet*, was about to sail for France, was read. It is in the *Papers of the Continental Congress*, No. 137, II, folio 553.

³ The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

peace on the part of the United States, and the commissioner for making peace on the part of his Britannic Majesty, it is stipulated, among other things, in the 4th, 5th and 6th articles, as follows:

“ART. 4. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

“ART. 5. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated. And that Congress shall also earnestly recommend to the several states, a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

“And it is agreed, that all persons who may have any interest in confiscated lands, either by debts, marriage settle-

ments or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

"ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for, or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued."

And whereas, Congress are desirous of giving speedy and full effect to all the stipulations in the said treaty on the part of the United States, and of accelerating thereby the blessings of peace, in confidence, that the conduct of his Britannic Majesty will be governed by a like disposition; therefore,

Resolved, That the several states be required, and they are hereby required to remove all obstructions which may interpose in the way of the entire and faithful execution of the 4th and 6th articles above recited. And that it be at the same time earnestly recommended to them, to take into serious consideration the 5th article also above recited, and to conform to the several matters therein contained, with that spirit of moderation and liberality, which ought ever to characterise the deliberations and measures of a free and enlightened nation.¹

A motion was made by Mr. [Richard] Peters, seconded by Mr. [Ralph] Izard, that the said report be committed,

And on the question for commitment, the yeas and nays being required by Mr. [Alexander] Hamilton,

¹ This report, and the vote following it, were also entered in the manuscript Secret Journal, Foreign Affairs.

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Holten,	ay	} ay	Mr. McComb,	ay	} ay
Gorham,	ay		Bedford,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Collins,	ay	} ay	Mr. Madison,	ay	} ay
Arnold,	ay		Bland,	ay	
<i>New York,</i>			Mercer,	ay	
Mr. Hamilton,	no	} *	<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Hawkins,	ay	} ay
Mr. Boudinot,	ay	} ay	Williamson	ay	
Clark,	ay		<i>South Carolina,</i>		
Condict,	ay		Mr. Rutledge,	ay	} ay
<i>Pennsylvania,</i>			Izard,	ay	
Mr. Mifflin,	ay	} ay	Beresford,	ay	
Fitzsimmons,	ay				
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Benjamin] Hawkins:

Resolved, That no commercial agent of the United States in foreign ports shall be entitled to a salary, unless such salary is expressed in the resolution appointing the agent.¹

Congress proceeded to the election of a commercial agent of the United States, at the port of Havannah, and, the ballots being taken, Mr. Oliver Pollock was elected, having been previously nominated by Mr. [Abraham] Clark.

The committee, consisting of Mr. [John Francis] Mercer, Mr. [Thomas] Fitzsimmons and Mr. [Theodorick] Bland, to whom were referred the resolutions of the General Assembly of Virginia, passed on the 17th of December, 1782, and a letter of the 19th March,

¹ This resolution, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 36, II, folio 141.

The resolution and the paragraph following it were also entered in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. The proceedings for the remainder of the day are in the three Secret Journals but not in the Public Journal.

1783, from the supreme executive council of the State of Pennsylvania, report,

That by the resolutions of the General Assembly of Virginia, the delegates of that State are instructed to move Congress, that they may direct their deputies who shall represent these states in the general Congress for adjusting a peace or truce, neither to agree to any restitution of property confiscated by the State, nor submit that the laws made by any independent State of this union be subjected to the adjudication of any power or powers on earth.

Upon these resolutions the committee remark, that by ~~the 5th Article of the provisional treaty concluded between the ministers of these United States, and the ministers of his Britannic Majesty it is agreed that Congress shall recommend to the several states a reconsideration of all acts or laws for confiscating property. Which implies that the states may judge for themselves how far they will comply with that requisition. But in~~

the fourth Article of the provisional treaty, concluded between the ministers of these United States and the Commissioner of his Britannick Majesty, it is expressly stipulated, "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted." From which stipulation the committee conceive the commissioners of these states cannot retract without a violation of the national faith; and that the honour and the interest of these United States require that it should be substantially complied with.

Resolved, That Congress agree to the said report.

The committee, consisting of Mr. [James] Wilson, Mr. [Gunning] Bedford and Mr. [John Francis] Mercer, to whom was referred so much of the report of the foregoing committee as related to the letter from the executive council of Pennsylvania, together with sundry motions made in Congress, report,

That the letter from the executive council of Pennsylvania is ~~well worthy the serious consideration of Congress and~~, stating the hardships which will arise to the citizens of Pennsylvania, if the fourth article in the treaty aforesaid is taken strictly, brings to view the situation of numbers of the inhabitants of every State who are debtors to people residing in Great Britain.

~~It may be proper to remark to Congress, that at the commencement of the present war, when the policy of this country forbid its inhabitants to trade it became impracticable to make remittances for the payments of debts due in Europe, and that great numbers of commercial people from prudential as well as from patriotic views lent to the public that money which they had before employed in their commerce.~~

~~It is well known too that merchants residing in these states who had considerable debts due to them were obliged by tender laws to receive paper money in every stage of its depreciation by which means a considerable portion of their debts were actually sunk, and as the public cannot immediately repay the sums lent to them and their securities cannot be negotiated without great loss, the Committee are of opinion that a time should be limited before which those debts should not be recoverable.~~

That ~~the Assembly of Pennsylvania~~ several states in the union have found it necessary to restrict the recovery of debts due among their own citizens, before the present war, upon principles of justice and convenience; nor can foreigners complain of being put upon the same footing: Whereupon,

Resolved, That the ministers of these United States for making peace with Great Britain be instructed to represent to the ministers of that kingdom the hardship ~~and injustice~~ which would result to the citizens of these United States if their creditors in Great Britain were permitted to press them for the immediate payment of the debts contracted before the war; and to endeavour to procure such an amendment as that no execution shall issue for any debt contracted before the

war, in less than three years after the signing of the definitive treaty.¹

And that the said ministers be informed, that Congress are of opinion, that all demands for interest accruing during the war would be highly inequitable and unjust. The citizens of these United States, subjected by the war commenced by Great Britain, to continual depredations of private property peculiarly distressing to individuals, have been excluded in a great measure from a commercial intercourse with foreign nations, and consequently deprived of all mart for their produce. They cannot, therefore, consistently with the plain principles of justice be said to have enjoyed the use of the capital sums due from them previous to the war, the only equitable foundation of a claim to interest; but have stood the involuntary insurers of their original debts under circumstances manifestly prejudicial, and attended with certain loss. And if the said ministers shall find it necessary or expedient, it is the desire of Congress, that they endeavour to obtain a precise definition of that article of the preliminary treaty which stipulates payment of debts, expressly excluding all demand for interest, in order to prevent any disputes which may hereafter arise from the inexplicit terms of that article.

That the said ministers be farther instructed, to contend for an express stipulation in the definitive treaty of peace, providing for a fair liquidation of all

¹ To this point the report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 20, II, folio 153. The indorsement, together with the record in Committee Books 186 and 191, shows that the Pennsylvania letter and resolutions were referred, on March 20, to Mr. [Samuel] Osgood, Mr. [John Francis] Mercer and Mr. [Thomas] FitzSimons. They delivered a report April 1, which was recommended, on May 20, with a motion of Mr. [James] Madison respecting Canadians, and a motion of Mr. [Alexander] Hamilton respecting a naval force on the lakes, to Mr. [John Francis] Mercer, Mr. [Thomas] FitzSimons and Mr. [Theodorick] Bland. This committee reported on May 29, and their report was recommitted, the same day, to Mr. [James] Wilson, Mr. [Gunning] Bedford and Mr. [John Francis] Mercer, who reported May 30.

charges for subsistence of prisoners of war, and other reasonable demands, and for a proper provision for the discharge, in a reasonable period, of whatever balances may appear to be justly due.

The Committee [Mr. John Rutledge, Mr. William Hemsley, Mr. Stephen Higginson] on the letter of March 20, 1783, from the Governor of New York Report,

That they have considered the matter referred to them, and submit, as their opinion, that the land and jurisdiction offered to Congress, by the Corporation of Kingston and the Legislature of New York are too limited; but, that, if the corporation will grant a tract of three miles square, or to the limit of that quantity, and the state will vest in Congress an exclusive jurisdiction, in all criminal matters arising within that district, it may be advisable for Congress to accept such grant and fix upon the said district, as a place for their residence, and that of their several officers.¹

That a Committee be appointed to consider of the best manner of carrying into execution the engagements of the United States for certain allowances of land to the Army at the conclusion of the war.²

MONDAY, JUNE 2, 1783

Ordered, That a commission be issued to Oliver Pollock, as commercial agent of the United States at the Havannah.

The form of a commission being prepared at the table, was agreed to, as follows:

THE UNITED STATES IN CONGRESS ASSEMBLED,

To Oliver Pollock Esquire Greeting:

We reposing special trust and confidence in your abilities and integrity have constituted and appointed,

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 20, I, folio 385. According to the indorsement and the record in Committee Book No. 191, it was delivered this day, entered and read; acted upon June 4, and filed.

² This motion, in the writing of Alexander Hamilton, undated, is in the *Papers of the Continental Congress*, No. 21, folio 354. It is indorsed: "Grand Committee, Mr. [Samuel] Holten, Mr. [Jonathan] Arnold, Mr. [Oliver] Ellsworth, Mr. [Alexander] Hamilton, Mr. [Abraham] Clark, Mr. [James] Wilson, Mr. [Gunning] Bedford, Mr. [John Francis] Mercer, Mr. [Benjamin] Hawkins, Mr. [John] Rutledge. To meet tomorrow morning at nine o'clock in the committee chamber." See *post*, June 4.

and by these presents do constitute and appoint you our commercial agent during our pleasure, at the city and port of Havannah, to manage the occasional concerns of Congress, to assist the American traders with your advice, and to solicit their affairs with the Spanish Government, and to govern yourself according to the orders you may from time to time receive from the United States in Congress assembled. And that you may effectually execute the office to which you are appointed, we request the Governor, Judges and all other officers of his Catholic Majesty to afford you all countenance and assistance.

In Testimony whereof we have caused the Seal of the United States of America to be hereunto affixed. Witness his Excellency Elias Boudinot, President of the United States in Congress assembled, the second day of June in the Year of our Lord one thousand seven hundred and eighty three, and of our Sovereignty and Independence the seventh.¹

On the report of a committee, consisting of Mr. [Thomas] Fitzsimmons, Mr. [Richard] Peters and Mr. [Samuel] Holten, to whom was re-committed their report on a motion of Mr. [Samuel] Holten, respecting bonds given by commanders of private armed vessels:

Resolved, That the ~~Treasurer of the United States~~ Agent of Marine, for the time being be, and he is hereby authorised and directed, whensoever complaints are exhibited of public abuses or private injuries committed by the captains or commanders of any privateers or armed vessels sailing under the authority of the United States, to cause such legal measures for obtaining redress, by means of the bonds given on taking out commissions for such privateers or armed vessels, for any abuses or injuries contrary to their

¹ This commission was entered only in the manuscript Secret Journal, Foreign Affairs and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

instructions, or in violation of the maritime ordinances of the United States, or the laws and customs of nations, as to justice appertains;

~~and upon measuring or receiving the penalty of the bonds after deducting the necessary charges to cause a distribution to the parties aggrieved at the time by the malversation of any such captain or commander, according to the injuries they may respectively have received, and the overplus (if any) be returned to captain or commander, or his sureties;~~

all prosecutions for private injuries upon said bonds to be at the risque and expence of the complainants, or the persons said to be aggrieved.

~~That the said treasurer of the U. S. cause the bonds before mentioned to be lodged in the Secretary's office of the respective states or other public office to which access may from time to time be had that in case in further injuries either of a public or private nature be committed than those complained of by the party applying in the first instance such farther measures may be taken thereupon as to right and justice appertain.¹~~

The Committee of the week [Mr. Eleazer McComb, Mr. John Montgomery and Mr. Gunning Bedford] report That the letter of 25th March 1783 from Mr. Du Radieu of Nantz with its enclosures, be referred to a special Committee.

That the Petition of Lieutenant Beaulieu of Armand's Legion respecting promotion, be referred to the Secretary at War to report.²

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 28, folio 183. A duplicate in the writing of Samuel Holten, except the last paragraph, which is in the writing of Richard Peters, is on folio 181.

² This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 32, folio 505. The indorsement gives it this date. The letter of Du Radieu, enclosing a plan proposed for establishing a manufactory for printing Calicoes in Philadelphia, was referred to Mr. [Thomas] FitzSimons, Mr. [Hugh] Williamson, and Mr. [Ralph] Izard. It is in No. 78, VIII, folios 1-16.

On this day, as the indorsement states, a letter of May 30 from the President of the Senate and Speaker of the House of Delegates of Maryland, transmitting papers relative to the permanent residence of Congress in that State, was read and referred to Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [Jonathan] Arnold, Mr. [Oliver] Ellsworth and Mr. [Ralph] Izard. It is in No. 46, folio 23. The record in Committee Books No. 186 and No. 191 shows that a report was delivered June 4, and acted upon the same day.

TUESDAY, JUNE 3, 1783

A letter, of 31 May, from W. Geddes, one of the ~~commissioners of the chamber of accounts~~ auditors at the treasury, was read, desiring leave to resign; Whereupon,

Resolved, That the resignation of Mr. William Geddes be accepted, and that he be informed, that Congress are well satisfied with his diligence and fidelity in the discharge of the duties of his late office.¹

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Richard] Peters, and Mr. [Hugh] Williamson, to whom was referred a memorial of Colonel John Allan:

Resolved, That Colonel John Allan, superintendant of Indian affairs for the eastern department, be re-appointed to that office, and that a commission be issued to him according to the tenor of the draught reported by the committee.

The Committee consisting &c, to whom was referred the memorial of Col John Allan Superintendant of Indian affairs for the Eastern Department, beg leave to report the following draft of a reappointment for the purpose of continuing him in the execution of his late employment:

The United States in Congress assembled to John Allan Esqr. Greeting

We reposing special trust and confidence in your patriotism fidelity and abilities have reappointed and by these presents do reappoint you to be our Superintendant of Indian affairs in the Eastern Department and do authorize and empower you to take charge of the affairs of the United States relating to the Indians inhabiting the territories within the ~~said states~~ United States of America to the eastward of Connecticut river agreeably to ~~certain~~ such instructions ~~given to you on the fifteenth day of January, 1777,~~ as have been or hereafter may be given to you for that purpose. This commission to continue in force until a general arrangement of Indian affairs shall be determined upon unless sooner revoked by this or a future Congress

In testimony &c

¹ Geddes' letter is in the *Papers of the Continental Congress*, No. 78, X, folio 427.

President of the U S in Congress assembled &c

The Committee further report

Ordered, That so much of the memorial of Colonel John Allan, superintendant of Indian affairs for the eastern department, as relates to compensation for services, and his request to be enabled to discharge the debts due to the Indians, by virtue of his necessary stipulations in behalf of the United States, be referred to the Superintendant of finance to take order.¹

The Committee of the Week [Mr. Eleazer McComb, Mr. John Montgomery and Mr. Gunning Bedford] report

That the letter of 2nd June 1783 from Major Murnan of the Corps of Engineers, respecting promotion, together with sundry certificates accompanying it, be referred to the Secy at War to report.²

The delegates of the State of Rhode Island and Providence Plantations, in compliance with the request of the Deputy Governor of said State, move Congress:

That the Commissioner for settling the accounts of the State of Rhode Island and Providence Plantations be directed to settle the accounts of Thomas Greene late Deputy Commissary of Military Stores.³

Ordered, That the Agent of Marine lay before Congress the proceedings of the courts martial on the trials of M. Parke and of Samuel Cooper, who are recommended to them for favour.⁴

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, I, folio 49-53.

² This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 32, folio 507. By the indorsement it is dated this day.

³ This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, II, folio 143. According to the indorsement it was referred on this day to the committee of the week. A motion by Francis Dana, seconded by Mr. Richard Dobbs Spaight, that it pass, was negatived.

⁴ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

On this day, as the indorsement states, a letter of May 23 from the Superintendent of Finance relative to expence of maintenance of the Oneida Indians was referred to Mr. [Thomas] FitzSimons, Mr. [Oliver] Ellsworth and Mr. [Jonathan] Arnold. According to Committee Book, No. 186, the committee was discharged August 18. See also *post*, August 6. The letter is in the *Papers of the Continental Congress*, No. 137, II, folio 549.

WEDNESDAY, JUNE 4, 1783

The committee, consisting of Mr. [John] Rutledge, Mr. [Gunning] Bedford, Mr. [Daniel] Carroll, Mr. [Stephen] Higginson, and Mr. [James] Wilson, to whom was referred a motion of Mr. [Theodorick] Bland, for accepting the cession of territory made by the legislature of the Commonwealth of Virginia, on the 2 January, 1781, report, that in their opinion, it will be proper for Congress to proceed to a determination on the report of the 3 of November, 1781, and which is entered on the journal of the 1 May, 1782, respecting the cession from the State of Virginia, and that a decision upon the said motion be postponed until that report shall be taken into consideration.¹

Whereupon,

Congress resumed the consideration of the report of the committee of the 3d of November, 1781, and after debate,

Ordered, That so much thereof as relates to the cession made by the Commonwealth of Virginia, on the 2 day of January, 1781, be referred to a committee of five members.²

On the report of a committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [Jonathan] Arnold, Mr. [Oliver] Ellsworth, and Mr. [Ralph] Izard, to whom were referred the acts of the legislatures of New York and Maryland, with the papers accompanying them:

Resolved, That copies of the act of the legislature of Maryland, relative to the cession of the city of Annapolis to Congress for their permanent residence; and also copies of the act of the legislature of New York, relative to the cession of the

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 30, folio 577. According to the record in Committee Books, No. 186 and No. 191, Bland's motion was made April 23 and the committee report delivered April 25.

² According to the record in Committee Book, No. 186, this matter was referred to Mr. [John] Rutledge, Mr. [Oliver] Ellsworth, Mr. [Gunning] Bedford, Mr. [Nathaniel] Gorham and Mr. [James] Madison, who delivered a report June 6. See *post*, June 20 and September 13.

town of Kingston, for the same purpose, together with the papers which accompanied both acts, be transmitted to the executives of the respective states, and that they be informed by the President, that Congress have assigned the first Monday in October next, for taking the said offers into consideration.¹

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Abraham] Clark.

Mr. Livingston having signified to Congress his desire of relinquishing the exercise of the office of foreign affairs, and his intention of returning to the State of New York:

Resolved, That the secretary of Congress be directed to receive the papers of the said office into his care, till a successor to Mr. Livingston can be appointed; and that next Wednesday be assigned for the election of a Secretary for the department of foreign affairs:

Resolved unanimously, That the thanks of Congress be presented to Mr. Livingston for his services during his continuance in office; and that he be assured Congress entertain a high sense of the ability, zeal and fidelity with which he hath discharged the important trust reposed in him.²

The Committee [consisting of Mr. Theodorick Bland, Mr. Hugh Williamson, Mr. Nathaniel Gorham] to whom was referred the letter from the C^t in Chief of the 21st of May 1783, together with the Petition of the Serjeants of the Connecticut Line report.

That the Sergeants enlisted for the war who shall continue in the army untill the signature of the definitive treaty shall be entitled to receive 125 acres of Land as a Bounty in Lieu of the one hundred promised them by the Resolution of the 16th of Sept^r 1776.³

¹ This report, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 20, I, folio 389. The acts were referred to committee June 2. A copy of Elias Boudinot's circular letter to the States, dated June 10, 1783, is in the *Papers of the Continental Congress*, Miscellaneous.

² This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folios 147-149. It was also entered in the manuscript Secret Journal, Foreign Affairs.

³ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 21, folio 351. The indorsement states that it was delivered this day and read.

The Committee [Mr. Samuel Holten, Mr. Jonathan Arnold, Mr. Oliver Ellsworth, Mr. Alexander Hamilton, Mr. Abraham Clark, Mr. James Wilson, Mr. Gunning Bedford, Mr. John Francis Mercer, Mr. Benjamin Hawkins and Mr. John Rutledge] appointed to consider of the best manner of carrying into execution the engagements of the United States for certain allowances of land to the army at the conclusion of the war submit the following resolution:

Congress having by their resolution of the promised certain allowances of land to all officers, and to such soldiers of the United States engaged to serve during the war, who should continue in service to the end thereof.

Resolved, That till provision can be made by the United States for locating and surveying to the officers and soldiers aforesaid the portions of land to which they are respectively intitled certificates be given to them when furloughed or discharged as evidences of their claim upon the United States, specifying the name of each person, the regiment or corps to which he belongs, his rank therein, and the quantity of land to which he is is entitled, the certificates to be signed by the Pay master General and to be in the form following:

(Name and station) in the (Regiment or corps) is intitled to (insert the quantity) acres of land as a gratuity for his services during the war, agreeable to the resolutions of the day of 1783.

[and that certificates issue in like manner to the legal representatives of such officers and soldiers as have been slain by the Enemy on producing proper proof of their titles.]¹

The Committee [Mr. Eliphalet Dyer, Mr. Abraham Clark, Mr. Hugh Williamson] to whom was referred the motion of M^r [Eliphalet] Dyer of the 26th of May, 1783, report the following resolution.

That all promotions hereafter to be made of officers in the Army of the U. S. during the present cessation of Hostilities, shall be considered as honorary and giving rank to the officers who may be promoted, but shall not entitle them to any additional pay or emoluments.²

¹ This report, in the writing of Alexander Hamilton, except the part in brackets, which is in Elias Boudinot's writing, is in the *Papers of the Continental Congress*, No. 21, folio 353. The indorsement says: "Report of the Grand Committee of 30 May, 1783." It was delivered on this day and read. See July 1, 1783, *note*.

² This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 21, folio 361. According to the indorsement it was delivered this day, read, and referred to the Secretary at War to report.

THURSDAY, JUNE 5, 1783

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Abraham] Clark,

Whereas the safety of packets, ships of war, or armed vessels in the service of the United States, may be greatly affected by loading goods or merchandises on board such vessels under the name of ballast, officers' privileges, or under other such pretexts.

Resolved, That if any captain or commander of any packet, ship of war or armed vessel in the service of the United States, shall load, or suffer to be laden on board the vessel of which he has the command, any goods and merchandise, without the express order or permission of Congress or their agent of marine, he shall forfeit his commission for such offence.¹

[Motion of Mr. Theodorick Bland, seconded by Mr. Alexander Hamilton, June 5th 1783, Referred to the Grand Committee of 30 May 1783.]

Whereas it has pleased the Almighty disposer of human affairs, to put a period to a long and bloody war which has terminated in the establishment of Independance to these United States; and whereas it is the duty as well as the wish of Congress to remove as speedily as possible every cause which might disturb the tranquillity and harmony of these States, so happily united in one great political interest, as well as to reward the brave and virtuous who have by their valor and perseverance established that Independance and strengthened that union and to provide for the future government and prosperity of these states;

Resolved, Therefore, That Congress will and do hereby accept the Cession of Territory made to the U. S. by the Act of the assembly of Virginia bearing date the.....day of.....178.., on the terms therein stipulated, except so far as relates to a specific guarantee of the remaining territory reserved by the said State.

Resolved, That if the aforesaid acceptance shall be agreeable to the said state, and they shall be willing to withdraw the said stipula-

¹ This preamble and resolution, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 151.

tion; and if the consent and approbation of the army of the United States shall be signified to the following act of the United States in Congress Assembled, then and in that case the following ordinance shall begin to take effect and be in full force for all and every the purposes therein mentioned viz:

It is hereby ordained by the United States in Congress Assembled, That in lieu of the commutation for the half pay of the army, and in lieu of the arrearages due to the officers and soldiers of the armies of the United States, and of all other debts due to the said officers and soldiers who now constitute the said army or who have served therein for a term not less than three years during the war, and for the Representatives of such officers and soldiers who shall have died in the service. That there shall be assigned and set apart a tract of unlocated or vacant territory laying within the boundaries of the United States as ceded by the preliminary articles between Great Britain and America, and bounded as follows—viz: (here insert the boundaries); that the said territory shall be laid off in districts not exceeding two degrees of Latitude and three degrees of Longitude each, and each district in townships not exceeding.....miles square. That the lines of the said districts shall be run at the expence of the United States by surveyors appointed by the U. S. in Congress assembled, and amenable to Congress for their conduct—that each of the said districts shall, when it contains 20,000 male inhabitants, become and ever after be and constitute a separate, Independent free and Sovereign state, and be admitted into the union as such with all the privileges and immunities of those states which now compose the union. That each officer and soldier now in the army of the U. S. shall be entitled to and shall have a grant for thirty acres of the said land for every dollar which shall appear to be due to such officer or soldier from the United States, for his services in the army, over and above the bounty promised by an act of Congress of the.....day of.....1776; and moreover that every officer and soldier who shall make it appear that he has served three years in the Army of the United States, shall be entitled to receive a grant of the said lands, equal to the bounties promised to officers and soldiers serving during the war in lieu of all debts due for their said services, half pay &c.; or, where the said debts have been liquidated, they shall be entitled to receive a grant of thirty acres for every dollar ascertained to be due to them in like manner as the officers and soldiers, whose commutation and arrearages have been liquidated. And be it further ordained, That out of every

hundred thousand acres so granted, there shall be reserved as a domain for the use of the United States, ten thousand acres, each of which ten thousand acres shall remain forever a common property of the United States unalienable, but by the consent of the U. S. in Congress assembled; the rents, issues, profits and produce of which lands, when any such shall arise, to be appropriated to the payment of the Civil List of the United States, the erecting frontier forts, the founding Seminaries of learning, and the surplus after such purposes (if any) to be appropriated to the building and equipping a Navy, and to no other use or purpose whatever; and be it further ordained that the said lands so granted to the officers and soldiers, shall be free of all taxes and quitrents for the space of seven years from the passing this ordinance.¹

TUESDAY, JUNE 10, 1783

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [Thomas] Fitzsimmons, and Mr. [James] Madison, to whom was referred so much of the letter of 5 December, from the governor of New Orleans, and a letter of 2 March, from the governor of Havannah, as relates to the violation of the laws of nations and rights of neutrality, alleged to have been committed by Church and Heydon, together with a note from the honorable the minister of France, accompanied with a letter of 25 March, from Don Antonio Argote.

The Committee on the letter of April 3^d. from the Secretary of foreign affairs, and on the papers inclosed therein report the following Resolve. viz.

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 153. The indorsement shows that it was presented and referred as above stated.

On this day, or an approximate date, was read a letter of June 5, from the Agent of Marine transmitting the papers in the case of the courts martial of Matthew Parke and Samuel Cooper. The papers are in No. 137, II, folios 503-547, the letter of transmittal being on folio 541.

On June 6 was read a letter of Lieutenant Colonel Lewis Fleury to M. De Marbois. It is in No. 149, III, folio 19. Fleury's memorial, dated Cap Hispaniola, 17 April, 1783, is on folio 25, and Marbois's letter of transmittal on folio 29. According to the indorsement and the record in Committee Book No. 186, they were referred to the Secretary at War, June 6.

Resolved, That copies of the papers enclosed in the letter of the — from the Secretary of foreign affairs be transmitted to the Governor of the State of Massachusetts, and that he be requested to cause proper inquiry to be made into the criminal charge against Messrs. Haydon & Church, and such measures taken as may be most effectual for procuring satisfaction for the injury done (as is alledged) to the flag of his Catholic Majesty, and that Copies of this report and of the decree of the Court of Appeals, in the case of the Brig *San Antonio* be transmitted to the Governor of Massachusetts, the Minister of France, and Governor of New Orleans.¹

Resolved, That copies of the papers above-mentioned, together with a copy of the decree of the court of appeals, in the case of the brig *San Antonio*, be transmitted to the governor of the State of Massachusetts, and that he be requested to cause proper enquiry to be made into the criminal charge against Messrs. Church and Heydon, and such measures taken as may be most effectual for procuring satisfaction for the injury done, as is alleged, to the flag of his Catholic Majesty; and that copies of this resolution and of the decree of the court of appeals aforesaid, be transmitted to the honorable the minister of France, and to the governor of New Orleans.²

The committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Thomas] Fitzsimmons, Mr. [William] Hemsley, Mr. A[rthur] Lee and Mr. [Stephen] Higginson, appointed pursuant to the resolution of 17 June, 1782, to enquire fully into the proceedings of the office of finance, including the several branches of the same, reported the result of their enquiries.

The Committee [Mr. Eliphalet Dyer, Mr. Hugh Williamson and Mr. Richard Peters] to whom was referred a letter from Gen^l Washington of the 12th of May 1783 enclosing a letter from D^r Craiko are fully persuaded that the complaints of the chief Physician of the army is well founded whose half pay is reduced to that of a Hospital or Regimental Surgeon, for though many of these Surgeons may be

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 25, II, folio 219.

² This resolution and the preamble were also entered in the manuscript Secret Journal, Foreign Affairs.

supposed to have entered into the service merely to obtain experience by which they may be enabled ~~to extend their practice in private life on a future day to~~ in private life to practise physio to greater advantage such motives are not supposed to have operated with any gentleman whose standing and abilities ~~might~~ have entitled him to the rank of chief Physician of the army, the reward then of such officer at the end of the war should be greater. Wherefore your Committee submit the following report,

That the chief Physician of the main army shall receive ~~in commutation~~ half pay or a commutation for the same equal to the half pay of a Major.¹

The Committee [Mr. Oliver Ellsworth, Mr. Hugh Williamson and Mr. John Lewis Gervais] to whom was recommitted part of a report on a motion of the Delegates for the State of Rhode Island and referred a motion of Mr. Arnold, report that it be

Resolved, That the Commissioner for settling the accounts of the hospital department audit and settle the accounts of Doct. Jonathan Arnold, as assistant deputy director in said department from the 7th day of Jany: 1778 to the 9th day of May 1779, as well for all supplies and expenditures as for pay and rations charging him with the monies advanced him for the use of said department by the State of Rhode Island and crediting the said State for the same in account with the U States. And that he also settle the accounts of all those who were necessarily employed in hospital service by the said Doctor Arnold within the term aforesaid, and that their pay and other allowances be the same as by the resolutions of Congress are allowed to those of similar stations in the said department.²

The Committee [Mr. Oliver Ellsworth, Mr. Benjamin Hawkins and Mr. Abraham Clark] to whom was referred a letter from Major General Greene, report,

That the pay and subsistence engaged by Major General Greene to sundry persons employed in the quarter master general's department with the army under his command, as referred to in his letter to the Secretary at War of the 17th of March, be allowed and con-

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folio 609. The indorsement states that it was delivered Juno 10, 1783, entered and read; "debated April 16, 1784; negatived."

² This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 19, I, folio 181. The indorsement states that it was delivered this day, read and entered; and according to the entry in Committee Book No. 191, it was filed November 1.

tinued to them during the time of their actual service in the Southern Department.¹

The Committee [Mr. John Rutledge, Mr. James Madison and Mr. Alexander Hamilton] on the Letter of May 5, from the Secretary of foreign affairs, Report,

That they have perused and considered the Instructions to Mr. Jay and are of opinion that it is unnecessary to make any alteration in them or to give Mr. Jay any further Instructions at present.²

WEDNESDAY, JUNE 11, 1783

Mr. James McHenry, a delegate for the State of Maryland, attended, and produced the credentials of his appointment.

ANNAPOLIS *May 13, 1783.*

SIR,

In Obedience to the Order of the General Assembly of Maryland we notify to you that on the 12th Instant by the joint Ballot of both Houses you were elected to represent this State in Congress.

With every Sentiment of Respect We have the Honor to be,
Sir,

Y^r mo. Obed^t Servants

MAT. TILGHMAN *President*

THO^s COCKEY DEYE, *Speaker, H. D.*

The Honble

JAMES McHENRY Esquire.³

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 19, II, folio 503. The indorsement states that it was delivered this day, entered and read. Greene's letter is in No. 155, II, folio 607. See *ante*, May 7, *note*.

² This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 25, II, folio 217. The indorsement states that it was delivered on this day. According to the record in Committee Books No. 186 and No. 191, the committee was appointed May 6, their report was delivered June 10, and filed November 1. See *post* August 5.

On this day, according to the indorsement, was read a letter of May 22, from non-commissioned officers of Baylor's regiment to the Governor of Virginia, asking for relief, and referred to the Superintendent of Finance and the Secretary at War to report. It is in No. 78, XVII, folio 357. A copy is on folio 159.

Also, a letter of February 23, 1783, to the Secretary for Foreign Affairs from Wilhelm Jan Willink, Nicholas and Jacob Van Staphorst, de la Lande and Fynje. It is in No. 145, folio 189.

³ The original is in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

A letter, of this day, from the Secretary at War, was read, informing that the troops of Pensylvania, Delaware, Maryland and Virginia, are yet to be furloughed, and that it is necessary some person should be authorised and directed to sign the furloughs; Whereupon,

Resolved, That the Secretary at War be authorised and directed to furlough such of the troops of Pensylvania, Delaware, Maryland and Virginia, as are yet to be furloughed, agreeably to the resolution of the 26 day of May last.¹

On motion of Mr. [Richard] Peters, seconded by Mr. [Samuel] Holten,

Ordered, That the election of a Secretary for Foreign affairs be postponed till Tuesday next.

On the report of a committee consisting of Mr. A[rthur] Lee, Mr. [Ralph] Izard and Mr. [Hugh] Williamson, to whom was recommitted their report on the ceremonial of foreign Ministers;

Resolved, That every foreign Minister on his being admitted to his first Audience shall be introduced ~~to Congress~~ by the Secretary for foreign affairs to a seat provided for him facing the President of Congress, the President and members being seated, and the President covered, the Minister being uncovered and so to remain unless he be of the rank of an Ambassador.

~~Before the minister takes his seat, and when he rises to retire, he must bow to the President, who will receive it uncovering himself. The minister must then bow to the Congress, who will return it.~~

The Minister being seated shall deliver his letter of credence to the Secretary of Congress by his own secretary who shall stand by him during his Audience. If the Minister chuses to address Congress he shall rise when he speaks.

The letter of credence being delivered by the Secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its original language and then present

¹ From this point to the end of the day, the proceedings were also entered in the manuscript Secret Journal, Foreign Affairs.

a translation of it to the Secretary of Congress who shall read the same. Upon which the President after reading his answer uncovered shall deliver the same to the Secretary of Congress who shall present it to the Minister who shall rise to receive it.

The Minister then, ~~after bowing to the President, who shall return it uncovered, and bowing to the Congress who shall also return it.~~ shall be reconducted to his carriage by the Secretary for foreign affairs.

If the Minister is of the rank of an Ambassador ordinary or extraordinary, he shall be covered when he takes his seat. In that case, too, the President ~~and Congress~~ shall rise when the Ambassador is introduced ~~and when they return his salutation; the President also shall rise when he reads his answer and also when he reads his answer. and continue on his feet till the Minister retires~~

In any subsequent public audience of a foreign Minister the same ceremonials shall be observed except so far as relates to the delivery and reading of the credentials.

Every foreign Minister after his first audience shall pay the first visit to the President and other members of Congress.¹

That the Rank and precedence of Congress, and its great officers shall be as follows.

1. The President.
2. The Members of Congress ~~indifferently clothed~~ indiscriminately.
- ~~3. The great officers of Congress according to the dates of their commissions~~

3. The following officers viz. The Secretary of Congress, The Secretary for foreign Affairs, The Superintendant of Finance, and the Secretary of War to take rank according to the dates of their respective Commissions.²

¹ These resolutions are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 481.

² This report, in the writing of Hugh Williamson, except the last paragraph which is in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 25, II, folio 221. According to the indorsement, it was delivered June 10, entered and read. See *ante*, August 26, 1782, *note*. The following, in the writing of Arthur Lee, is on folio 226:

[Footnote continued on page 392]

The committee of the week [Mr. Jonathan Arnold, Mr. Silas Condict and Mr. Eleazer McComb] report that the within petition [of Richard Frothingham and others] be read to Congress.¹

THURSDAY, JUNE 12, 1783²

The committee, consisting of Mr. [James] Madison, Mr. [Oliver] Ellsworth and Mr. [Alexander] Hamilton, to whom was referred a report of the Secretary for foreign affairs on a letter of 20th March last, from Mr Dumas, and sundry papers enclosed, report,

That it appears from the said letter and the papers enclosed, that propositions have been made on the part of the states general to the ministers of the United States of America at Paris, in order to render an express stipulation in favour of the freedom of navigation less necessary in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already

Footnote—continued.

~~"The Members of Congress when in Session being the Sovereignty of the U.S. cannot~~
~~rise to a foreign Minister, who only represents the Sovereign of his Country.~~

~~When a new Member takes his Seat in Congress it shall be announced by the Secretary of Congress to all foreign Ministers, who shall pay him the first visit. After-~~
~~wards their visits may be interchanged as they please.~~

~~The President of Congress being at the head of the Sovereignty of the U. S. takes~~
~~precedence of all and every person in the U. S.; next to him Members of Congress~~
~~have precedence; then the Commander in Chief of the army; then the great officers~~
~~of Congress in the following order: The Secretary of Congress as the nearest and most~~
~~confidential, The Secretary for foreign affairs, The Superintendent of Finance, The~~
~~Secretary at War and Secretary of Marine."~~

¹ This report, in the writing of Jonathan Arnold, is in the *Papers of the Continental Congress*, No. 42, III, folio 72, the petition, dated West Point, June 7, being on folio 69. The indorsement states that it was read.

On this day, as the indorsement indicates, was read a letter of June 11 from the Secretary at War. It is in No. 149, II, folio 539.

Also a letter of June 7 from General Washington, enclosing a copy of an address, from commanding officers, and Washington's reply, relative to settlement of accounts of the army. It is in No. 152, XI, folio 295. According to Committee Book No. 186, it was on this day referred to Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Theodorick] Bland, who made a report June 19.

² The proceedings for this day were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

concluded between some powers of Europe, or to enter into similar engagements with France, Spain and the United Provinces of the Netherlands; or in case France and Spain should refuse to enter into a convention founded on the principles of the armed neutrality, or wish to delay it till after the general peace, to form a separate convention for similar purposes between the United Provinces of the Netherlands and the United States of America.

That the answers to these propositions do not appear from the papers transmitted, though there is room to infer from Mr. Dumas's letters of the 4th and 18th of February, that the two first of these propositions were encouraged by our ministers, and that the states general proposed to act in consequence thereof, and had made the last proposition, in order to be prepared, in case either or both of the two first should fail.

It appears from the report of the Secretary for Foreign Affairs, that no powers are at present vested in any person in Europe to agree to any treaty similar to that entered into by Russia, Sweden, Denmark and the United Provinces of the Netherlands, after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the ministers of these states, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of the Empress of Russia as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her Imperial Majesty. Our ministers received no invitation; and special powers were afterwards given to Mr. Dana, which in their nature superseded that resolution. Mr. Dana was, by his commission and instructions, empowered to sign the treaty or convention for the protection of commerce in behalf of the United States, either with her Imperial Majesty in conjunction with the other neutral powers, or, if that shall be inadmissible, sepa-

rately, with her Imperial Majesty, or any of those, that is, those neutral powers. The treaty being only made to continue during the war, his powers terminated with the war, or at most extended only to signing it with the neutral powers, and not to form a new and separate treaty.

Whereupon Congress came to the following resolution:

Whereas the primary object of the resolution of October 5, 1780, and of the commission and instructions to Mr. Dana, relative to the accession of the United States to the neutral confederacy, no longer can operate; and as the true interest of these states requires that they should be as little as possible entangled in the politics and controversies of European nations, it is inexpedient to renew the said powers either to Mr. Dana, or to the other ministers of these United States in Europe; but, inasmuch as the liberal principles, on which the said confederacy was established, are conceived to be in general favourable to the interests of nations, and particularly to those of the United States, and ought in that view to be promoted by the latter as far as will consist with their fundamental policy:

Resolved, That the ministers plenipotentiary of these United States for negotiating a peace be and they are hereby instructed, in case they should comprise in the definitive treaty any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms.¹

¹ This report is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, 481,

On this day, according to the indorsement, a letter of June 11 from the Secretary at War enclosing a letter of Major General Knox was referred to Mr. [Hugh] Williamson, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton. It is in the *Papers of the Continental Congress*, No. 19, III, folio 379, and Knox's letter, dated June 2, is on folio 393. See *post*, October 18 and 20.

FRIDAY, JUNE 13, 1783

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [James] McHenry and Mr. [Nathaniel] Gorham, to whom was referred a letter of 11, from the Secretary at War.

Whereas the Secretary at War was, by the resolution of the 26 day of April, 1782, directed and empowered to establish sufficient magazines at New London, in Virginia, and at sundry other places within the United States: and whereas the Secretary at War is of opinion, and it also appears to the committee, that it would be most proper to erect the magazine in Virginia, at a place more convenient than New London; therefore,

Resolved, That the Secretary at War be authorised to construct and erect magazines for keeping such of the stores of the United States as it shall be found necessary to send to Virginia, at such place above the falls of James river, as shall, in his opinion, be the best adapted for that purpose, [the above resolution notwithstanding; and that he lay before Congress, as soon as may be, an estimate of the expence for building and compleating the same, and such other of the magazines, mentioned in the said resolution, as yet remain to be built or compleated].¹

The committee of the week [Mr. Jonathan Arnold, Mr. Silas Condict, and Mr. Eleazer McComb] are of opinion that the within memo-

¹ This report, in the writing of Theodorick Bland, except the part in brackets which is in that of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 27, folio 231. The letter of the Secretary at War is in No. 149, III, folio 1. According to the indorsement, and the entry in Committee Book No. 186, it was referred to the Committee on June 12.

The following, undated, in the writing of Alexander Hamilton, does not appear to have been acted upon. It is in No. 27, folio 233:

“Resolved, That so much of the resolution of the / / as relates to the establishment of a magazine at New London ~~on James River~~ in Virginia be repealed and that the Secretary at War be authorised to examine and fix upon such other place ~~on that river~~ in said State, as shall appear to him most convenient.”

rial [of John Jordan, James McKinsey and Joseph Brussel] be referred to the Agent of Marine to report.

Agreed to June 13, 1783.¹

TUESDAY, JUNE 17, 1783

Mr. Jacob Read, a delegate for the State of South Carolina, attended, and produced the credentials of his appointment, which were read.

IN THE HOUSE OF REPRESENTATIVES *February 12th 1783*
STATE OF SOUTH CAROLINA

The Honorable The Senate attended and together with this House Voted for Three Delegates to represent this State in Congress.

On casting up the Ballots it appeared that the following Gentlemen had a Majority of the Votes of the Members present—Viz^t Ralph Izard & Jacob Read Esquires.

Mr Speaker thereupon declared Ralph Izard & Jacob Read Esquires to be duly Elected.

I do hereby Certify that the above is a true Extract taken from the Journals of the House of Representatives.

JOHN SANDFORD DART, *C. H. R.*²

Congress took into consideration the report of the committee appointed to enquire fully into the proceedings of the office of finance; and the same being read:

Ordered, That it be entered on the journal, as follows:

“The committee appointed to examine into the transactions of the office of finance, having compleated that enquiry to the 1 January, 1783, report,

“That it appears to them the business of that office has been conducted with great ability and assiduity, in a manner highly advantageous to the United States, and in conformity with the system laid down by Congress.

¹ This report, in the writing of Jonathan Arnold, is in the *Papers of the Continental Congress*, No. 137, II, folio 606. The memorial is on folio 605. See *post* September 15.

² The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

“In the course of this enquiry, the committee have found, that since the appointment of the Superintendant of finance, the public accounts of receipts and expenditures have been regularly and punctually kept; that many of the accounts which preceded this institution have already been settled, and most of the others put into a train of adjustment.

“That all the persons who have been intrusted with public money, under the present appointment, have been regularly called upon for an account of its expenditure, and that their accounts have all been furnished, excepting only the quartermaster general, the purveyor of the hospitals, the late commissary general of prisoners, and the account of issues of cloathing from the cloathier general. The reasons which have prevented the settlement of their accounts will appear in their correspondence with the Superintendant on that subject.

“The committee find, by the correspondence of the office, that the states have all been called upon for an account of the specifics by them respectively supplied for the use of the continent, but that no answers have yet been given nor any accounts furnished; and that a number of people who have heretofore been intrusted with public money do still neglect or refuse to settle their accounts, and that for want of laws in the several states, the Superintendant has it not in his power to compel them to a proper settlement.

“In examining the reforms which have been made in the public expenditures, the attention of the committee was necessarily called to the expenditures of former years, for the particulars of which they refer to the papers C, No. 1 to 7. In comparing these expenditures with the present, and making every allowance for the difference of times and circumstances, the committee are of opinion, that the order and economy which has been introduced¹ since the estab-

¹From this point to the end of the day the entries in the Journal are in the handwriting of George Bond.

lishment of this office, has been attended with great savings of public money, as well as many other beneficial consequences.

“Among other reforms they find, that in the department of commissary of issues, no less than 250 persons were discharged, whose pay (exclusive of rations for themselves and their horses) amounted to 126,300 dollars per annum. That in one instance, a demand was made for ~~two~~ one thousand tons of hay for the post of Philadelphia, of which ten tons only were granted, the residue being rendered unnecessary by the new arrangement.

“They find, that under the present administration the whole sum which has been brought into the public treasury, from the 14th day of May, 1781, to the 1st of January, 1783, amounts to - - - - - 2,726,334 dols.

That the whole expenditure for that period,

amounts to - - - - - 3,131,046

Out of which has been paid to the army, - 439,574

That there was expended for rations for the

army in 1782, - - - - - 617,152

That the quarter-master general's depart-

ment in 1782, is charged with - - - 343,697

And the medical department in that year, 22,629

“That the expenditures in 1782 exceeded the receipts 404,713 dollars, which was supplied by a circulation in the notes of the Superintendant of Finance.

“Upon comparing the accounts of the public receipts and expenditures (exhibited to Congress) with the books of the treasury, they found that they had been fairly and regularly stated; and it appears to them that the business of that office is conducted with great diligence and accuracy, and in conformity with the rules laid down by Congress.

“With respect to the foreign money transactions, the committee confined their enquiry principally to what respected

the Superintendent of finance, and find that the bills of exchange which he has drawn are duly credited at the treasury.”¹

On motion of Mr. [Nathaniel] Gorham, seconded by Mr. [Theodorick] Bland,

Ordered, That a committee be appointed to consider what further ~~powers are necessary to be given to the Superintendent of Finance to enable him~~ measures may be necessary to compel persons who have received public monies to account.²

WAR OFFICE June 13, 1783

SIR

On the representation of Lieutenant Colonel Fleury, referred to the Secretary at War, I beg leave to observe that he was deranged by a resolve of Congress of the 31st December 1781, at which time all officers, who were not of the line of any particular State, nor annexed to any corps were deranged, excepting such as were reported by the Secretary at War as necessary to be retained.

Although Lieutenant Colonel Fleury was not included in this return, yet, in consideration of his eminent services, which have merited and met the most honorary marks of the approbation of Congress, and on recurring to the furlough granted to him by their resolves, which is unlimited, I am induced to recommend to the consideration of Congress the propriety of settling his accounts of arrears,

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 19, IV, folio 405. According to the indorsement and the record in the Committee Books, it was delivered June 10, read, and entered in No. 188, the record of reports on the executive departments; and Tuesday, 17, assigned for consideration. See *ante* January 6 and June 10.

² This motion, in the writing of Nathaniel Gorham, is in the *Papers of the Continental Congress*, No. 36, II, folio 159. A copy as an extract from the minutes is in No. 26, folio 469, with this addition:

“The members, Mr. [Theodorick] Bland, Mr. [Oliver] Ellsworth and Mr. [Gunning] Bedford.”

According to the record in Committee Books No. 186 and No. 191, Mr. [Thomas] FitzSimons was appointed July 3, in place of Bedford, and on August 18 the committee was renewed, Mr. [Theodorick] Bland, Mr. [Thomas] FitzSimons and Mr. [William] Ellery being appointed on that day. A report was delivered October 9, but does not appear to have been acted upon.

and allowing him the emoluments of his commission in like manner as if the resolves of December 31, 1781, had not passed.¹

WAR OFFICE *June 17th, 1783.*

DEAR SIR,

In my report to Congress on the subject of Lieutenant Colonel Ternant's situation, which is become peculiar by the promotion of General Armand, with the right of retaining the command of his corps, I was not so explicit as it is now become necessary I should be.

If Congress found this an expedient measure, I think it should not operate to the injury of Lieutenant Colonel Ternant, neither as it relates to promotion and emoluments of office, nor should it be so conducted as that it would admit of a construction derogatory to him.

I am also clearly in opinion, that Lieutenant Colonel Ternant has an unequivocal right, in common justice and agreeably to the former usage in the army, to the same promotion and emoluments, as he would have been entitled to had General Armand been promoted without the indulgence of retaining the command of his corps; otherwise the honor intended him, will be conferred at the expence of Colonel Ternant, which I am persuaded was not the intention of Congress, and I think they will be disposed to place the matter on the most honorary footing in all respects, as it relates to Lieut. Col. Ternant.²

[Report of the Superintendent of Finance and Secretary at War on the letter, of 22 May, from the non-commissioned officers of Baylor's regiment who have mutinied.]

PHILADELPHIA, *June 16th, 1783.*

SIR,

On the letter addressed by the non-commissioned officers of Colonel Baylor's Regiment to the Governor of Virginia, referred to the Superintendent of Finance and Secretary at War, we beg leave to report the following draught of a resolve.

That the Secretary at War be empowered to issue a proclamation offering pardon to those soldiers of the first regiment of Dragoons,

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 13. According to the indorsement it was read on this day and referred to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer, and Mr. [Alexander] Hamilton. On July 16 Mr. [James] McHenry and Mr. [Richard] Peters were added in the place of Mifflin and Mercer and on August 5 Mr. [Theodorick] Bland in place of Hamilton.

² This report is in the *Papers of the Continental Congress*, No. 149, II, folio 535. It was read on this or an approximate date. See *ante*, May 15.

who shall deliver up their horses, and surrender themselves on or before the day of and informing those, who shall disregard the pardon proffered them, that they will be dealt with in such manner as the articles of war prescribe.

We have the honor to be with perfect respect

Your Excellency's most obedient servants

ROBT. MORRIS

B. LINCOLN ¹

[WEDNESDAY, JUNE 18, 1783]

The Committee of the Week [Mr. Jacob Read, Mr. James McHenry, and Mr. John Montgomery] report

That the letter from Brigadier General Williams informing Congress that fifty-two officers, inhabitants of the State of Maryland had agreed to accept of five years full pay in lieu of the half pay for life, voted by several former resolves of Congress, be referred to the Secretary of War.

That the following letters, viz: A letter from Thomas Payne to his Excellency the President of Congress, dated, Borden Town State of New Jersey June 7th 1783, "requiring to lay before Congress an account of such services as he has rendered to America and the circumstances under which they were performed," A letter from Simeon De Witt Geographer to the United States, to the President of Congress dated Philadelphia 17th June 1783, praying leave and

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 557. It is indorsed: "Delivered. Read. June 17, 1783 Ent^d—to be filed among obsolete reports."

According to the indorsement and the record in Committee Book No. 186, a letter of June 16, from Benjamin Stelle, Commissioner for settling accounts between Pennsylvania and the United States, with queries relative to the duties of his appointment, was read and referred to the Superintendent of finance, who delivered a report August 15. It is in No. 137, II, folio 799. A letter of June 18, with further queries, is on folio 795, and was also referred to the Superintendent.

Also on this day was read a letter of June 16 from the Secretary at War, transmitting certain papers respecting the officers of the Invalid Corps, which he submits to Congress at the request of the Commander in Chief. The letter of transmittal is in No. 149, III, folio 45, the enclosures being on folios 33-41. They were referred this day, as the indorsement states, to Mr. [Oliver] Ellsworth, Mr. [Alexander] Hamilton and Mr. [Richard] Peters, and on July 23 Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [James] Duane became the committee. The record in Committee Book No. 186 shows, however, that Bland was added to this committee, in place of Hamilton, and Duane to the committee on the Secretary's report of June 13. See *post*, October 14.

assistance to make and publish a complete map of the seat of the late war in America &c. and a memorial from Anthony Hutchins for himself and the other Inhabitants of the District of Natchez dated at Charles Town the 22nd May 1783—Be read in Congress.

They further report that a letter from Lieut. Castaing dated Philadelphia June 15th 1783. Respecting his [MS. torn] to report thereon.

And that the letter from John Green dated New Providence 1st June 1783, and the letter from Francis Cazeau dated Philadelphia May 31st 1783, be read in Congress.¹

THURSDAY, JUNE 19, 1783

Pursuant to the resolution of the 27 of February, 1782, the Superintendent of finance reports, that he has appointed Joseph Pennell, esq. a commissioner to settle the accounts of the marine department.²

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Theodorick] Bland, to whom was referred a letter of 7, from the Commander in Chief:

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 503. The indorsement gives it this date.

The letter from Brigadier General O. H. Williams, dated Baltimore, June 10, is in No. 149, III, folio 361.

The letter of Thomas Paine is in No. 55, folio 73, and the indorsement states that it was referred to Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. [Benjamin] Hawkins; and, according to Committee Book No. 186, a report was delivered August 15. See *post* August 18.

De Witt's letter is in No. 78, VIII, folio 27; and Hutchins's memorial in No. 41, IV, folio 195. Green's letter is in No. 78, X, folio 431; Francis Cazeau's letter, stating his purpose to join his family, near Canada, is in No. 78, VI, folio 183.

According to the record in Committee Book No. 186, the De Witt letter and the Hutchins memorial were committed to Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. James McHenry, and a report on the Hutchins memorial was delivered July 16. Castaing's letter, respecting his promotion, was referred to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer and Mr. [Alexander] Hamilton; on July 16 the committee was renewed, Mr. [James] McHenry and Mr. [Richard] Peters replacing Messrs. Mifflin and Mercer, and, on July 30, Mr. [James] Duane was appointed, in place of Hamilton.

According to the indorsement, a letter, dated June 18, from Lewis Garanger, submitting memorials for a military establishment, was read the same day. It is in No. 78, X, folio 435.

² The Superintendent's letter, dated June 19, 1783, is in the *Papers of the Continental Congress*, No. 137, II, folio 561.

Resolved, That copies of the letter from the Commander in Chief, of the 7 instant, with the papers enclosed, be transmitted to the several states for their information, and that their attention be recalled to the resolutions of the 2 of May last, to facilitate the punctual payment of the notes issued ~~and to be issued~~ to the army on account of their pay.

Resolved, That the Commander in Chief be informed, Congress approve the variation made by him in the manner of furloughing the troops.¹

~~Whereas the safety and Peace of the United States are greatly interested in the number of states that may be required to vote on questions of a particular class, and whereas it is provided by the 9th Article of the Confederation that "the United States in Congress Assembled shall never engage in a war nor grant letters of Marque and Reprisal in time of peace, nor enter into any treaties or alliances nor coin money nor regulate the value thereof nor ascertain the sums and expences necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money nor agree upon the number of vessels of war to be built or purchased or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy unless nine states assent to the same."~~

It is also provided by the eleventh article that no Colony except Canada shall be admitted to the Union unless such admission be agreed to by nine states but no provision is made for the number of states that may be required to agree in determining such questions when the present number of states shall have increased.

And whereas the determination of those great questions by nine states alone when the original number may be considerably increased would be a manifest departure from the Spirit of the Confederation, and might prove dangerous to the Union, therefore,

Resolved, That whenever a fourteenth state shall be admitted into the present Union the vote and agreement of ten states shall become necessary for determining all those questions in the Congress of the United States which are now determined by no less than nine.

Resolved, That the assent of three additional states shall be necessary in determining those questions for every four additional states that may be admitted into the Union.

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 19, VI, folio 435.

Resolved, That the several states be advised to authorise their respective delegates to subscribe and ratify the above Resolves as part of the instrument of Union.¹

The Committee [Mr. Thomas FitzSimons, Mr. Stephen Higginson, Mr. William Hemsley, Mr. John Rutledge, Mr. James Madison,] to whom was referred the draught of a treaty with Great Britain &c. Submit the following resolutions:

That the Ministers Plenipotentiary of the United States be and they are hereby authorised to enter into and conclude with the Ministers of his Britannick Majesty such a commercial convention as may be found necessary, for opening to the citizens and subjects of the respective nations, a free intercourse with each other, for a term not exceeding months and provided it can be effected on terms of perfect reciprocity, and that the vessels belonging to the citizens of the United States be permitted to carry the produce of the said states to the British sugar colonies, and to bring from thence the products of the said colonies, without being subject to any other or greater duties than were paid by British subjects before the day of

That the Ministers Plenipotentiary of these United States who shall be authorised to negotiate a treaty of commerce with Great Britain, do stipulate that the treaty which may be agreed upon shall be transmitted to Congress, and be subject to their revisal before it is finally concluded on.

That the Ministers Plenipotentiary of these United States be and they are hereby authorised and directed to enter into and conclude with the Emperor of Morocco and Fez, the Regencies of Algiers, Tunis and Tripoli such engagements and stipulations, as may be found necessary for procuring of passports for the vessels of these United States and if they shall find it necessary that they apply to his most Christian Majesty and to their High Mightinesses the States General of the United Netherlands for their assistance in procuring such passports.

The committee are of opinion that treaties of Amity and Commerce should be entered into with the Crown of Portugal, the King

¹ These "Provisional Resolves", in the writing of Hugh Williamson, are in the *Papers of the Continental Congress*, No. 24, folio 141. According to the indorsement, and the record in Committee Books 186 and 191, they were on this day referred to Mr. [Hugh] Williamson, Mr. [Alexander] Hamilton and Mr. [James] Madison. The committee was renewed August 5, Mr. S[amuel] Huntington and Mr. [Stephen] Higginson being appointed in place of Hamilton and Madison, and a report was delivered September 15.

of Naples, the two Sicilies, and with the Grand Duke of Tuscany, and that the treaty with Portugal should be entered on immediately.¹

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 25, II, folio 233. The indorsement states it was delivered this day and read and adds: "This is superseded by the instructions passed the 29 October, 1783."

The following, also in Thomas FitzSimons' writing, undated, is on folio 237, and apparently belongs to this period:

"*The U. S. in Congress Assembled, to all who shall see these presents, Greeting:*

Whereas, articles &c. were concluded on the day of between the Ministers Plenipotentiary of the United States and the Minister Plenipo. of Great Britain in behalf of the said Nations respectively, and whereas it is the desire of these United States to open a friendly and commercial intercourse between the two nations on principles of equality, reciprocity and mutual advantage and to that end and until definitive and full regulations shall be agreed upon, the same may be provided for by a convention for a limited time,

Now be it known that we, reposing special trust and confidence in the judgement, prudence, and fidelity of J. A., B. F. and J. J. have nominated constitute and appointed and by these presents do nominate, constitute and appoint them the said J. A., B. F., J. J. Ministers Plenipo. of these United States, giving and granting to them or any two of them, or in case of the death, absence, or indisposition of the said Ministers to any one of them, full powers in our name and behalf to treat or conclude and sign with any person or persons vested with equal powers on the part of the King of G. B. a convention for regulating Commerce between the subjects of the said King and the Citizens of the U. S. for a term not exceeding

And the Convention so concluded and signed shall take effect at the time which may be therein stipulated and shall be binding on these U. S. in the same manner as if concluded and signed in our presence, provided that this Comm^a shall not be in force longer than months from the date hereof."

On this day was read a letter from the Assistant Secretary at War, laying before Congress a letter of June 14 from General Washington, and one of June 3 from General Rufus Putnam, relating to the promotion of Captain Nathan Goodale. The Secretary's letter is in the *Papers of the Continental Congress*, No. 149, III, folio 225, Washington's on folio 221, and a copy of Putnam's on folio 213. According to the record in Committee Book No. 186, the letters were referred, on June 19, to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer and Mr. [Alexander] Hamilton. On July 16 the committee was changed to Mr. [Alexander] Hamilton, Mr. [James] McHenry and Mr. [Richard] Peters; and, on July 30, Hamilton was dropped and Mr. [James] Duane added. The indorsement indicates that Mr. [Theodorick] Bland was appointed on the committee on August 5, but there is no record of this appointment in the Committee Book.

On this day, also, according to the indorsement, another letter of June 14, from General Washington, enclosing a copy of a letter from Sir Guy Carleton, was read. It is in No. 152, XI, folio 313.

On this day, also, according to Committee Book, No. 186, a letter from Colonel Richard Butler and one from William Henry, were read and referred to Mr. [Alexander] Hamilton, Mr. [Richard] Peters and Mr. [Oliver] Ellsworth, to confer with the Executive Council of Pennsylvania and to take such measures as they shall judge and find necessary. Both letters were dated Lancaster, June 17, and addressed to President John Dickinson, advising him of the mutiny of the Pennsylvania troops. A copy of Butler's letter is in No. 38, folio 37, and a copy of Henry's on folio 123.

FRIDAY, JUNE 20, 1783

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Thomas] Fitzsimmons:

Resolved, That the Superintendant of finance report to Congress the obstacles which have hitherto impeded the settlement of the accounts of the army; and that he report to Congress the most eligible means to obviate those obstacles.¹

Congress took into consideration the report of the committee, consisting of Mr. [John] Rutledge, Mr. [Oliver] Ellsworth, Mr. [Gunning] Bedford, Mr. [Nathaniel] Gorham and Mr. [James] Madison, ~~Mr. Carroll, Mr. Higginson and Mr. Wilson~~, to whom were referred the act of the legislature of Virginia, of the 2 January, 1781, and the reports thereon, and a motion of Mr. [Theodorick] Bland for accepting the cession made in the said act.

And the following paragraph being under debate, viz.

“That the second condition, (namely, that Virginia should be allowed and fully reimbursed by the United States, her actual expences in reducing the British post, at the Kaskaskies and St. Vincents; the expence of maintaining garrisons and supporting civil government there since the reduction of the said posts, and in general all the charge she has incurred on account of the country on the northwest side of the Ohio river, since the commencement of the present war,) is substantially comprehended in the engagement made by Congress in the said act, (viz. the act of 10 October, 1780) and that one commissioner should be appointed by Congress, one by the State of Virginia, and another by those two commissioners, who, or a majority of whom, should be authorised

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, II, folio 157.

and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by the said State, for the purpose mentioned in the said condition."

A motion was made by Mr. [James] McHenry, seconded by Mr. [Abraham] Clark, to strike out the words, "that the second condition is substantially comprehended in the engagement made by Congress in the said act," and in lieu thereof to insert, "that all reasonable and necessary expences, incurred in subduing the British posts at the Kaskaskies and St. Vincents, and the expence of maintaining garrisons there, or to the northwest of the river Ohio, since the reduction of the said posts, ought to be allowed, being agreeable to the aforesaid act."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] McHenry,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Holten,	ay	} div.	Mr. McComb,	ay	} ay
Higginson.	no		Bedford,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Collins,	ay	} *	Mr. McHenry,	ay	} *
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Ellsworth,	no	} *	Mr. Madison,	no	} no
<i>New Jersey,</i>			Bland,	no	
Mr. Boudinot,	ay	} ay	Mercer,	no	
Clark,	ay		<i>North Carolina,</i>		
Condict,	ay		Mr. Hawkins,	no	} no
<i>Pennsylvania,</i>			Williamson,	no	
Mr. Fitzsimmons,	ay	} ay	<i>South Carolina,</i>		
Montgomery,	ay		Mr. Izard,	ay	} div.
Peters,	ay		Read,	no	

So the question was lost.

The report being farther debated, and some amendments made, the delegates for New Jersey laid before Congress a representation and remonstrance of the legislative council and general assembly of the State of New Jersey, which was

read, and at the request of the said delegates, was ordered to be entered on the Journal, and is as follows:

TO THE UNITED STATES IN CONGRESS ASSEMBLED.

The representation and remonstrance of the legislative council and general assembly of the State of New Jersey, sheweth,

That the legislature of this State is informed, that the important subject of the western, or what is commonly called crown lands, is soon to be re-considered and finally determined by Congress, especially as far as relates to the cession made by the legislature of the State of Virginia, in January, 1781, of a part of the western country or vacant territory.

The legislature cannot but express their surprise on hearing that the consideration of the subject is resumed by Congress so speedily after its last discussion, as appears by an act of Congress of the eighteenth of April last past, which is contained in the following words:

“That as a further mean, as well of hastening the extinguishment of the debts, as establishing the harmony of the United States, it be recommended to the States, which have passed no acts towards complying with the resolutions of Congress of the sixth of September and tenth of October, 1780, relative to the cession of the territorial claims to make the liberal cessions therein recommended, and to the States which may have passed acts complying with the said resolutions, in part only, to revise and compleat such compliance;” which said act has been officially laid before us during the present sitting, and appears designed by Congress to be transmitted to every State in the union, not only to the legislatures thereof, but to the people at large: the legislature of this State must be of opinion, that the latter part of the said recommendation of Congress was expressly applicable to the act of the legislature of the Commonwealth of Virginia, as the cession thereby made has heretofore been deemed by Congress a partial one, and by this State, partial, unjust and illiberal.

The legislature, to avoid unnecessary repetition, beg leave in the most earnest manner, to call the attention of Congress to the records in their possession of the proceedings of the legislature of this State with regard to the present subject, beginning with their representation of the 16 of June, 1778, and at different periods since, in which are

fully contained the just and uncontrovertible claims of this State to its full proportion of all vacant territory.

It is particularly disagreeable to have occasion to trouble Congress with so many applications on this head, but the importance of the subject, the danger of so much property being unjustly wrested from us, together with its being our indispensable duty, in justification and defence of the rights of the people we represent, must be our apology: we cannot be silent, while viewing one State aggrandizing herself by the unjust detention of that property, which has been procured by the common blood and treasure of the whole, and which on every principle of reason and justice, is vested in Congress for the use and general benefit of the Union they represent.

They doubt not the disposition of Congress to redress every grievance that may be laid before them, and are of opinion there can be no greater cause for complaint, nor more just reasons for redress, than in the present case.

They do therefore express their dissatisfaction with the cession of western territory made by the State of Virginia, in January, 1781, as being far short of affording that justice which is equally due to the United States at large, and request that Congress will not accept of the said cession, but that they will press upon the said State to make a more liberal surrender of that territory of which they claim so boundless a proportion.

The legislature place the utmost confidence in the wisdom and justice of Congress, and assure themselves that as far as it lies in the power of that august body, the union will be strictly maintained.

Council Chamber, June 14, 1783. House of Assembly, June 14, 1783.

By order of Council,

By order of the House,

WIL. LIVINGSTON, *President*.

EPHRAIM HARRIS, *Speaker*.¹

¹ This act is in the *Papers of the Continental Congress*, No. 68, folio 607.

According to the indorsement and to entry in Committee Book No. 186, a letter of June 20, from Thomas Paine was read on this day and referred to the committee appointed June 18, to consider his letter of June 7,—Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. [Benjamin] Hawkins. This letter is in No. 55, folio 79, and enclosed a letter from W. Collins, Salisbury (in Wiltshire) England. The committee was discharged August 18. A second letter of June 20, from Paine, relating to his own services, and giving additional information to be put before the committee of June 18, is on folio 81. See *post* August 18.

SATURDAY, JUNE 21, 1783

Resolved, That the president and supreme executive council of Pennsylvania, be informed that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

Resolved, That the committee, on a letter from Colonel Butler, be directed to confer, without loss of time, with the supreme executive council of Pennsylvania, on the practicability of carrying the preceding resolution into effect: and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertions of this State for supporting the dignity of the federal government, the President on the advice of the committee be authorised and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt, and maintaining the dignity and authority of the United States.

Resolved, That the Secretary at War be directed to communicate to the Commander in Chief, the state and disposition of the said troops, in order that he may take immediate measures to despatch to this city, such force as he may judge expedient for suppressing any disturbances that may ensue.¹

¹ The entry for this day was made in the Journal by George Bond.

PRINCETON

MONDAY, JUNE 30, 1783

Mr. [William] Ellery and Mr. [Jonathan] Arnold, delegates for the State of Rhode Island, attended, and produced their credentials, by which it appears, that at the anniversary election of officers, civil and military, for the State aforesaid, held on the first Wednesday in May, 1783, the hon. William Ellery, Jonathan Arnold, David Howell and Henry Merchant, were elected delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead, and appear to take their places.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

I Certify That at the Anniversary Election of Officers Civil and Military for the State aforesaid, Held on the First Wednesday in May, A. D. 1783, The Honorable William Ellery, Jonathan Arnold, David Howell, and Henry Merchant, Esquires, were Elected Delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead and appear to take their Places.

HENRY WARD Secry.¹

That Major General Howe be directed to march such part of the force under his command as he shall judge necessary to the State of Pennsylvania; and that ~~the commanding officer in the said State~~ he be instructed to apprehend and confine all such persons, belonging to the army, as there is reason to believe instigated the late mutiny; to disarm the remainder; to take, in conjunction with the civil authority, the proper measures to discover and secure all such persons as may have been instrumental therein; and in general to make full examination into all parts of the transaction, and when they have taken the proper steps to report to Congress.²

¹ The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal

² This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 161. According to the indorsement, and to the record in Committee Books No. 186 and No. 191, it was referred, on this day, to Mr.

TUESDAY, JULY 1, 1783

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth and Mr. [Theodorick] Bland, to whom was referred a motion of Mr. [Alexander] Hamilton:

Resolved, That Major-General Howe be directed to march such part of the force under his command, as he shall judge necessary, to the State of Pennsylvania, in order that immediate [Alexander] Hamilton, Mr. [Oliver] Ellsworth and Mr. [Theodorick] Bland, with instructions to confer with Major General Howe. The committee reported July 1.

A letter, of June 28, from Major General Howe, stating that he is on his way to Philadelphia to deal with the mutineers, was read this day. It is in No. 38, folio 81.

According to the indorsement, the address of the mutinous soldiers to the Supreme Executive Council of Pennsylvania was read in Congress this day, and also the resolution of the Council, June 27, replying to the demands of the mutineers. A copy of the address is in No. 38, folios 29-36; and a copy of the resolution, as an extract from the Minutes, signed by John Armstrong, Jr., Secy., is on folio 139.

According to the indorsement, a letter, of June 24, from General Washington, in reference to the mutiny of the Pennsylvania troops, was read this day. It is in No. 152, XI, folio 381, and is printed in the *Writings of Washington* (Ford) X, 270.

Also, a letter, of June 25, from General Washington, acknowledging the receipt of the resolutions of Congress of June 21. It is in No. 152, XI, folio 385.

Also, three letters from John Dickinson, in reference to the mutiny, and the return of the soldiers to Lancaster. They are dated respectively June 25, June 26 and June 27, and are in No. 38, folios 127, 135 and 143.

On this day, as the indorsement indicates, was read a letter of June 28 from Isaac Collins, offering his services as a printer and stationer. It is in No. 78, VI, folio 191.

Also, a letter, dated Princeton, June 30, from the Superintendent of Finance, asking leave to return to Philadelphia. It is in No. 137, II, folio 593. The indorsement states that the leave was granted.

Also, a letter, dated Head Quarters, June 25, from John Pierce, Paymaster General. It is in No. 165, folio 657, and a copy on folio 661.

According to Committee Book No. 186, the following letters and documents were read in Congress this day, and referred to Mr. [Jacob] Read, Mr. [James] McHenry and Mr. [Stephen] Higginson:

A letter, of June 24, from Governor Livingston, of New Jersey; one of June 25, from Colonel George Morgan, offering several buildings for Congress at Princeton, and "any or every part of his farm and meadows"; A letter, of June 26, from the "Governours and masters of the College," offering the College Hall or the Library room; a letter, undated, from the inhabitants of Princeton and vicinity, pledging support to Congress; a letter, of June 25, from John Cox, of Trenton, enclosing resolves of inhabitants of Trenton and vicinity, June 24, also pledging support to Congress. Livingston's letter is in No. 68, folio 613; the other papers are in No. 46, folios 67-87. The committee reported July 2. See *post* July 2 and July 4.

diatē measures may be taken to confine and bring to trial all such persons belonging to the army as have been principally active in the late mutiny, to disarm the remainder, and to examine fully into all the circumstances relating thereto.

~~and in case, in the progress of the investigation, it shall appear that any persons not belonging to the army had been concerned in promoting or abetting the disorders of the soldiery, that application be made to the civil authority of the state to proceed against them as the law shall direct.~~

That ~~it is the desire of Congress~~ in the execution of the foregoing resolution, if any matters shall arise which may concern the civil jurisdiction, or in which its aid may be necessary, application be made for the same to the executive authority of the State.

[That the executive of Pennsylvania be informed of the foregoing resolutions, and requested to afford their assistance whensoever the same shall be required.]¹

The committee, “consisting of Mr. [Alexander] Hamilton Mr. [Oliver] Ellsworth and Mr. [Richard] Peters, to whom were referred a letter of the 17 June, from Colonel R. Butler, at Lancaster, and sundry papers communicated to Congress by the executive council of Pennsylvania, through their delegates, having on the 19 of June made a verbal report, and on the 20 of the same month a report in writing, and the written report being on the 30th re-committed, that they might amend it, by adding thereto their verbal report, and the report being this day brought in with the amendment:

Ordered, That it be entered on the Journal.

The report is as follows:

“The committee to whom were referred the letters and papers communicated to Congress by the executive council of Pennsylvania, through their delegates, report,

¹ This report, in the writing of Alexander Hamilton, except the paragraph in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 21, folio 355.

“That they had a conference yesterday, as directed, with the supreme executive council, in which, in the first instance, the propriety of ~~immediately~~ calling out a detachment of militia to intercept the mutineers on their march from Lancaster, was ~~suggested~~ proposed to the council, ~~with such observations as the subject presented~~ suggesting the danger of their being suffered with impunity to join the troops in the barracks, who ~~by a menacing message sent some~~ a few days before to Congress had manifested a spirit of mutiny dangerous spirit by an insolent and threatening message sent to Congress in the name of a board of serjeants, and who, it was apprehended, would be ready to make common cause with those on their march for ~~some mischievous~~ mutinous purposes. That the council having shewn a reluctance to call out any part of the militia, ~~founded on~~ expressing an opinion that they would not be willing to act, till some outrage should have been committed by the troops, there appeared to the committee no alternative but to endeavour ~~by expedients to keep the men in the barracks from to prevent if possible~~ to dissuade the mutineers from coming to town, and if they failed in that attempt, to make use of expedients to prevent the troops in the barracks from joining in any excesses, and to induce the detachment from Lancaster to return to that place. That in this view, and at their desire, ~~Major Jackson~~ the assistant secretary at war met the detachment ~~which was on the march from Lancaster to this city to~~ then on its march to the city, and endeavoured to engage them to return to the former place, urging the considerations contained in the annexed instruction to him, but the said detachment persisted in their intention of coming to this city, and arrived here this morning. That upon conferring with the Superintendant of finance, they find there is a probability that the paymaster general, to whom the settlement of the accounts of the army has been committed, and who having all the documents in his possession, can alone execute the

business with propriety, will shortly arrive from the army, and will immediately enter upon a settlement with the troops in this State; that in the mean time measures will be taken to prepare the business for a final adjustment. That there will immediately be sent to Lancaster, a sum of money to be paid to the troops on account of the month's pay heretofore directed to be advanced to them, the payment of which has hitherto been delayed by particular circumstances, together with notes for three months' pay, intended to be advanced to the men when furloughed. That they have desired this information to be transmitted to the commanding officer here and at Lancaster, ~~communicating to both for the information of the men~~ with this declaration, that the corps stationed at Lancaster, including the detachment, can only be settled with or paid at that place."¹

THE INSTRUCTIONS TO MAJOR JACKSON

SIR: Information having been received, that a detachment of about eighty mutineers are on their way from Lancaster to this place, you will please to proceed to meet them, and to endeavour by every prudent method to engage them to return to the post they have left. You will inform them of the orders that have been given, permitting them to remain in service till their accounts shall have been settled, if they prefer it to being furloughed, and of the allowance of pay which has been made to the army at large, and in which they are to be included. You will represent to them, that their accounts cannot be settled without their officers, whom they have left behind them at Lancaster. You will represent to them with coolness but energy, the impropriety of such irregular proceedings, and the danger they will run by persisting in an improper conduct. You will assure them of the best intentions in Congress to do them justice, and of the absurdity of their expecting to procure it more effectually by intemperate proceedings. You will point out to them the tendency which such proceedings may have to raise the resent-

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 38, folio 157. It was read, as the indorsement shows, June 20, and on June 30 recommitted "that they may amend it by adding thereto their verbal report made previous to this report," and on July 1, "ordered to be entered on the Journal."

ments of their country, and to indispose it to take effectual measures for their relief. In short, you will urge every consideration in your power to induce them to return, at the same time avoiding whatever may tend to irritate. If they persist in coming to town, you will give the earliest notice to us of their progress and disposition. Should they want provisions, you will assure them of a supply, if they will remain where they are, which you are to endeavour to persuade them to do, in preference to coming to town.

I am, sir, your most obedient servant,

A. HAMILTON, *in behalf of the committee.*

Philadelphia, June 19, 1783.

MAJOR JACKSON, *Assistant Secretary at War.*¹

The committee, consisting of Mr. [Alexander] Hamilton and Mr. [Oliver] Ellsworth, appointed on the 21 June, to confer with the supreme executive council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, having delivered in a report;

Ordered, That it be entered on the Journal.

The report is as follows:

"The committee appointed to confer with the supreme executive council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, in consequence of the disorderly and menacing appearance of a body of armed soldiers surrounding the place where Congress were assembled, on Saturday the 21 instant beg leave to report;

"That they had a conference the morning following with the supreme executive council, agreeably to the intention of Congress, and having communicated their resolution on that subject, informed the council that Congress considered the proceeding on which that resolution was founded of so serious a nature, as to render palliatives improper, and to require that vigorous measures should be taken to put a stop to the further progress of the evil, and to compel submission on the part of the offenders. That in this view

¹This letter to Jackson is in the *Papers of the Continental Congress*, No. 38, folio 161.

they had thought it expedient to declare to the executive of the State in which they reside, the necessity of taking effectual measures for supporting the public authority. That though they had declined a specification of the measures which they would deem effectual, it was their sense, that a number of the militia should be immediately called out, sufficient to suppress the revolt. That Congress, unwilling to expose the United States to a repetition of the insult, had suspended their ordinary deliberations in this city, till proper steps could be taken to provide against the possibility of it.

“The council, after some conversation, informed the committee, that they would wish, previous to a determination, to ascertain the state and disposition of the militia, and to consult the officers for that purpose.

“The day following the committee waited upon the council for their final resolution, having previously presented a letter addressed to his Excellency the President, of which a copy is annexed, requesting the determination of the council in writing.

“The council declined a written answer, alleging that it had been unusual on similar occasions; that they were unwilling to do any thing which might appear an innovation in the manner of conducting conferences between their body and committees of Congress: adding, however, that they were ready to give their answer in writing, if Congress should ~~desire~~ request it. They then proceeded to a verbal answer, in substance as follows:

“That the council had a high respect for the representative sovereignty of the United States, and were disposed to do every thing in their power to support its dignity. That they regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it. That they had consulted a number of well informed officers of the militia, and found

that nothing in the present state of things was to be expected from that quarter. That the militia of the city in general, were not only ill provided for service, but disinclined to act upon the present occasion. That the council did not believe any exertions were to be looked for from them, except in case of further outrage and actual violence to person or property. That in such case a respectable body of citizens would arm for the security of their property and of the public peace; but it was to be doubted what measure of outrage would produce this effect; and in particular, it was not to be expected merely from a repetition of the insult which had happened.

“The council observed that they thought it their duty to communicate their expectations with candour, and passed from the subject of the practicability of vigorous measures to the policy of them. They stated that General St. Clair, with the approbation of several members of Congress and of council, had, by a declaration in writing, permitted the mutineers to choose a committee of commissioned officers to represent their grievances to council, and had authorised them to expect that a conference would be allowed for that purpose. That it was said the mutineers began to be convinced of their error and were preparing submissions. That from the steps which had been taken, the business seemed to be in a train of negotiation, and that it merited consideration, how far it would be prudent to terminate the matter in that way rather than employ coercive means.

“The committee remarked, with respect to the scruple about giving an answer in writing, that they could not forbear differing in opinion as to its propriety. That nothing was more common than written communications between the executives of the different states and the civil and military officers acting under the authority of the United States: that for a much stronger reason there was a propriety in this mode of transacting business between the council and a com-

mittee of the body of Congress. That indeed it would be conformable to the most obvious and customary rules of proceeding, and that the importance of the present occasion made it desirable to give every transaction the greatest precision.

“With respect to the practicability of employing the militia, the committee observed, that this was a point of which the council was alone competent to judge. That the duty of the committee was performed in explicitly signifying the expectations of Congress.

“And with respect to the policy of coercion, the committee remarked, that the measures taken by Congress clearly indicated their opinion, that the excesses of the mutineers had passed the bounds within which a spirit of compromise might consist with the dignity, and even the safety of government. That impunity for what had happened might encourage to more flagrant proceedings, invite others to follow the example and extend the mischief. That the passiveness of conduct observed towards the detachment which had mutinied at Lancaster, and come to the city in defiance of their officers, had, no doubt, led to the subsequent violences. That these considerations had determined Congress to adopt decisive measures. That besides the application to the State in which they reside, for its immediate support, they had not neglected other means of ultimately executing their purpose, but had directed the Commander in Chief to march a detachment of troops towards the city. That whatever moderation it might be prudent to exercise towards the mutineers, when they were once in the power of government, it was necessary, in the first instance, to place them in that situation. That Congress would probably continue to pursue this object unless it should be superseded by unequivocal demonstrations of submission on the part of the mutineers. That they had hitherto given no ~~explicit~~ satisfactory evidence of this disposition, having lately presented the officers they had chosen

to represent their grievances, with a formal commission in writing, enjoining them, if necessary, to use compulsory means for redress, and menacing them with death, in case of their failing to execute their views.

“Under this state of things, the committee could not forbear suggesting to the council, that it would be expedient for them so to qualify the reception which they should think proper to give to any propositions made by the mutineers as not to create embarrassment, should Congress continue to act on the principle of coercion.

“The committee finding that there was no satisfactory ground to expect prompt and adequate exertions on the part of the executive of this State, for supporting the public authority, were bound by the resolution under which they acted to advise the President to summon Congress to assemble at Princeton or Trenton on Thursday the 26 instant.

“Willing however to protract the departure of Congress as long as they could be justified in doing it, still hoping that further information would produce more decisive measures on the part of the council, and desirous of seeing what complexion the intimated submissions would assume, they ventured to defer advising the removal till the afternoon of the day following that on which the answer of council was given. But having then received no further communications from the council, and having learnt from General St. Clair, that the submissions proposed to be offered by the mutineers, through the officers they had chosen to represent them, were not of a nature sufficiently explicit to be accepted or relied on. That they would be accompanied by new demands, to which it would be improper to listen; that the officers themselves composing the committee had shewn a mysterious reluctance to inform General St. Clair of their proceedings; had refused, in the first instance, to do it, and had afterwards only yielded to a peremptory demand on his part: the committee could no longer think themselves at liberty to delay their advice

for an adjournment, which they this day accordingly gave; persuaded at the same time, that it was necessary to impress the mutineers with a conviction, that extremities would be used against them before they would be induced to resolve on a final and unreserved submission.

PHILADELPHIA, *June 24th, 1783.*¹

The Letter to his Excellency the President of the Supreme Executive Council of Pennsylvania.

SIR, We have the honor to enclose for your Excellency and the council, a copy of the resolutions communicated in our conference yesterday. Having then fully entered into all the explanations which were necessary on the subject, we shall not trouble your Excellency with a recapitulation; but as the object is of a delicate and important nature, we think it our duty to request the determination of the council in writing.

We have the honor to be, with perfect respect,
your Excellency's most obedient servants.

PHILADELPHIA, *June 23, 1783.*²

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 38, folio 165.

² A copy of this letter, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 38, folio 171.

On this day, as the indorsement states, was read the petition, dated June 16, 1783, of officers of the army for lands northwest of the Ohio. It was referred to the Grand Committee of May 30, and on September 15 was referred, together with a motion of Mr. [Theodorick] Bland for selling off a tract of land to discharge the public debts, to Mr. [Abraham] Clark, Mr. [Samuel] Holtz, Mr. [James] McHenry, Mr. [Benjamin] Hawkins and Mr. [James] Duane, who were discharged October 15, 1783. The petition was transmitted in a letter of June 17, 1783, from General Washington, and is in No. 42, VI, folio 62-71. Washington's letter is in No. 152, XI, folio 321. It is printed in the *Writings of Washington* (Ford) X, 267. A copy of a letter, dated June 16, from Brigadier General Rufus Putnam, explaining the sentiments and expectations of the petitioners, was also enclosed in Washington's letter, and is in No. 152, XI, folio 325.

Also, the letter of Elias Woodruff, dated Princeton, July 1, offering his house for the use of Congress. It is in No. 78, XXIV, folio 395.

Also, a letter of June 20 from the Superintendent of Finance enclosing correspondence with the State of Maryland relative to the payment of the line of the army. It was referred on this day to Mr. [Oliver] Ellsworth, Mr. [James] Madison and Mr. [John

WEDNESDAY, JULY 2, 1783

On motion of Mr. [Alexander] Hamilton, seconded by Mr. [James] Madison,

Whereas by the Confederation the assent of nine states is requisite to the determination of matters of principal importance to the United States, and the representation in Congress has for some time past generally consisted of less than that number of states, in consequence whereof the public business, at an interesting juncture, has suffered and continues to suffer great delay and embarrassment:

Resolved, That the states which are not ~~represented~~ present in Congress, be informed that it is indispensable they should, without loss of time, send forward a delegation to Congress.¹

Francis] Mercer, but on July 23 Mr. [Benjamin] Hawkins and Mr. [James] Duane were substituted for Ellsworth and Mercer. It is in No. 137, II, folios 565-577, and a report was delivered July 28.

The following, undated, in the writing of James McHenry is on folio 581:

~~"Whereas an immediate approbation of the report of the committee to whom was referred~~
~~without a hearing of both parties might be viewed as~~
~~highly disrespectful to the State whose public act it condemns~~

Resolved, That the consideration of said report be postponed, that the Delegates from Maryland may have an opportunity to transmit the same to the legislature of the State at their next meeting to receive information from the legislature respecting the same subject matter thereof."

On this day, as the indorsement indicates, was read a letter of June 22 from the Superintendent of Finance, covering an extract of a letter of March 7 from Benjamin Franklin and contract for the repayment of the loan of 6,000,000 livres. It was referred to Mr. [James] Madison, Mr. [James] Wilson, and Mr. [Stephen] Higginson. It is in No. 137, II, folio 587-589. According to Committee Books, No. 186, and No. 191, the committee reported September 15, and the report was acted upon, October 31.

Also, a letter of June 23 from General Washington with letter and papers from Reuben Harvey. It is in No. 152, XI, folio 341. It was referred to Mr. [Jacob] Read, Mr. [William] Ellery, and Mr. [James] McHenry, who delivered a report July 18.

Also, a letter of June 23 from General Washington, enclosing correspondence with the Commissioners for superintending embarkation at New York. It is in No. 152, XI, folio 345, and the enclosures on folios 349-380. It was referred to Mr. [Hngh] Williamson, Mr. [James] Madison, and Mr. [Jacob] Read, who delivered a report July 16.

Also, a letter of June 19 from the Speaker of the House of Assembly of New Jersey enclosing resolutions of the legislature containing offers of inducements to make the permanent residence of Congress in New Jersey. It was ordered that copies be sent to the several states. It is in No. 46, folio 35.

¹ This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 171.

A letter, of the 24 June, from his Excellency W. Livingston, governor of the State of New Jersey, was read; Whereupon,

The committee [Mr. Jacob Read, Mr. James McHenry and Mr. Stephen Higginson] to whom was referred the letter of His Excellency William Livingston Esq. Governor of the State of New Jersey dated Trenton 24th June 1783 to the President of Congress, report,

Resolved, That the President inform his Excellency the Governor of New Jersey, that Congress entertain a high sense of the spirit and attachment of the citizens of New Jersey to the federal union, and of the sentiments expressed by his Excellency; and are happy that events have rendered the call of the citizens into service unnecessary.

~~and are obliged by the readiness expressed by his Excellency the Governor to be personally engaged in defending the representatives of the United States against any insult and indignity.~~¹

An address of the governors and masters of the college, was read, offering to Congress the use of the hall, library room and every other convenience that the college in its present situation can afford; Whereupon,

The Committee [Mr. Jacob Read, Mr. James McHenry and Mr. Stephen Higginson] to whom was referred the address of the Governors and Masters of the College to the President of Congress, offering to Congress the use of the Hall, Library Room, and every other convenience that the College in its present situation can afford, Report,

Resolved, That the President inform the governors and masters of the college, that Congress entertain a proper sense of their obliging offer, and accept the use of such parts of the college as are immediately necessary for their session, and for the officers attending them during their stay at Princeton.²

A letter, of 25 June, from the hon. John Cox, vice-president of the council of New Jersey, was read, accompanied with certain resolves entered into by the inhabitants of Trenton; Whereupon,

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 20, I, folio 301.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 20, I, folio 297.

The Committee [Mr. Jacob Read, Mr. James McHenry and Mr. Stephen Higginson] to whom was referred the letter of the Honourable John Cox Esq., Vice President of the Council of New Jersey dated Trenton, June 25th, 1783, addressed to His Excellency the President of Congress, and inclosing a copy of certain resolves, entered into by the inhabitants of Trenton and the vicinity on the 24th June, 1783.

Resolved, That the President inform Mr. Cox, that Congress entertain just sentiments of the ~~polite and dutiful~~ respectful manner in which the inhabitants of Trenton and its vicinity express themselves in their resolves of the 24 of June last, with regard to Congress.

That Congress highly applaud the proper resentment the citizens of Trenton and its vicinity have discovered against disturbers of the public peace and violators of the dignity of the union.¹

[Motion of Mr. John Francis Mercer and Mr. Alexander Hamilton, July 2, 1783.]

Congress having adjourned from the City of Philadelphia to this place for the purpose of taking further and more effectual measures to suppress the mutiny which happened on Saturday the with intention to return to that place when such measures should have been taken and a detachment of troops being now on its march to that city,

Resolved, That Congress be adjourned to meet at the City of Philadelphia on conformable to their said intention till they shall determine on the place of their permanent residence agreeable to the resolution of ²

[Motion of Mr. Ralph Izard, seconded by Mr. Stephen Heggenson to postpone Mr. John Francis Mercer's motion and take into consideration the following.]

The authority of Congress having been grossly insulted by a body of armed soldiers, on the 21st Ultimo in Philadelphia, and repeated applications having been made, without effect, to the Executive Council of Pennsylvania, for protection against similar insults.

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 20, I, folio 299.

² This motion, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 36, II, folio 167.

Resolved, That until Congress shall receive satisfactory assurances of protection, it will neither be safe, or honorable for them to return to Philadelphia.¹

[WEDNESDAY, JULY 3, 1783]

Ordered, That a Resolution of the General Assembly of Virginia of the 4th June, 1783, "for Copies of the Accounts and Vouchers relative to disbursements and Contracts made with Individuals of that State by any Person acting under the Authority of Congress," be referred to the Superintendent of Finance to take Order.

That a Letter of the 20th June, 1783, from the Governor of Virginia to the Delegates of that State respecting claims of Edward Cowper be referred to the Agent of Marine to report.²

FRIDAY, JULY 4, 1783

Certain resolutions passed by the inhabitants of Princeton and its vicinity, being laid before Congress, and read,

The Committee [Mr. Jacob Read, Mr. James McHenry and Mr. Stephen Higginson] to whom was referred the resolves of the inhabitants of Princeton and its vicinity presented to Congress by the Reverend Mr. Smith vice president of the College and Col. Morgan.

Resolved, That Congress highly applaud the resolutions of the inhabitants of Princeton and its vicinity, to support order and good government; that Congress entertain a proper sense of their affectionate and respectful expressions, and are obliged by their exertions to accommodate the representatives of the United States.³

¹ This motion, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 36, II, folio 163-165.

On this day, as the indorsement states, was read a letter of July 1 from George Morgan offering place for residence of Congress at Princeton. It is in No. 46, folio 63.

² These orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. The letter of June 20, from Governor Harrison, is in the *Papers of the Continental Congress*, No. 71, II, folio 365; and Edward Cowper's letter, dated May 27, is on folio 369.

On July 3, as the indorsement states, was read a declaration of officers of the Pennsylvania line. It is in No. 38, folio 11.

Also, the orders of Major General St. Clair to Colonel Humpton June 29, 1783 respecting the mutiny. They are on folio 19.

Also, a return of the men of Pennsylvania line furloughed since June 13. It is on folio 155, and is dated June 29, 1783.

³ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 20, I, folio 295.

On a report of the Superintendant made pursuant to the order of the 20 of June last:

The Superintendant of Finance according to the order of the twentieth of June 1783 begs leave to Report,

That by the report of a Grand Committee of the twenty fifth of January, 1783, it appeared that the memorial presented by the Army comprehended five articles to wit:

- 1st Present pay
2. A settlement of accounts of the Arrearages of Pay and security for what is due.
3. A commutation of the half pay allowed by different resolutions of Congress for an equivalent in gross.
4. A settlement of the accounts of deficiencies of rations and compensation.
5. A settlement of the accounts of deficiencies of cloathing and compensation.

That the settlement of accounts so far as relates to the second article was provided for by a reference thereof to the Superintendant of Finance in a resolution of that date. But that no provision was made for the fourth or fifth articles.

That the Superintendant of Finance hath authorized and directed the Pay Master General to make the settlements referred to him as aforesaid.

That the settlement of the accounts generally is delayed not only by the want of authority for that purpose but by the difficulty of obtaining an account of the advances made by the several States and public Departments to the officers of the line.

In order however to obviate as far as possible all the difficulties which have arisen or which may arise in the course of that business the following Resolution is submitted:

Resolved, That the paymaster general be, and is hereby fully authorised and empowered to settle and finally adjust all accounts whatsoever, between the United States and the officers and soldiers of the American army, so as to include all and every demand which they or either of them may have by virtue of the several resolutions and acts of Congress relating thereto. And that the said paymaster do give certificates of the sums which may appear due on such settlements in the form and manner which the Superin-

tendant of the finances of the United States may direct: provided always, that the certificates to the officers shall be delayed for a reasonable time, to obtain returns of payments or advances to them by the states, or public departments, where, in the opinion of the paymaster general, such delay shall be necessary.¹

The committee of the week, [Mr. William Ellery, Mr. Jacob Read and Mr. Jonathan Arnold] report That the petition of the Rev^d William Plumb late Chaplain to the Northern Hospital praying for an adjustment and payment of his accounts be read in Congress with the papers accompanying the same.

That the petition of Grace Mercer Widow of Richard Mercer Esquire, late of Charles Town in the State of South Carolina deceased, Purveyor to the Hospitals of the Army of the United States in the said State of South Carolina, be referred to the Superintendant of Finance to ~~take order~~ report.

And that the petition of Christopher Colles relative to the Navigation of the Ohio be read in Congress.²

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 583. It is dated June 22, and the indorsement shows that it was delivered July 1, entered and read, and referred on July 2, to Mr. [Theodorick] Bland, Mr. [Richard] Peters, and Mr. [Oliver] Ellsworth, but, from Committee Book, No. 186, it would appear that on July 4 Mr. [Thomas] FitzSimons was substituted for Mr. Peters.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 509. The petition of Grace Mercer, dated Philadelphia, June 24, 1783, is in No. 137, II, folio 735, and that of Colles is in No. 42, II, folio 168.

According to Committee Book No. 186, the petition of William Plumb was referred to the Superintendent of Finance to take order; and the petition of Mrs. Mercer to the Superintendent of Finance to report. He made a report July 11.

On this day, as the indorsement states, a letter of John Pierce, Paymaster General, dated Princeton, July 4, was read. It is indorsed: ~~The President to inform him there is no objection against removing the papers and records of his office back to Philadelphia.~~ It is in No. 165, folio 665.

Also, a letter of June 30 from General Washington, relative to sending Major General Baron Steuben, to receive possession of posts and make arrangements on the western frontier. It is in No. 152, XI, folio 389. It was referred to Mr. [James] Madison, Mr. [Oliver] Ellsworth and Mr. [Benjamin] Hawkins, who, according to Committee Book No. 186, reported verbally. A copy of a letter, dated July 8, from the President of Congress to Washington, stating that his letter had been substantially complied with by the Act of Congress of the 12th of May, is in No. 16, folio 210; and a copy of Washington's instructions to Steuben to concert with the British Commander in Chief in Canada for receiving possession of the posts, is in No. 152, XI, folio 423. The instructions to Steuben are printed in the *Writings of Washington* (Ford) X, 285.

Also, a letter of July 3 from John Dickinson, President of the Supreme Executive Council of Pennsylvania. It is in No. 38, folio 147.

[TUESDAY, JULY 8, 1783]

[Motion of Mr. Benjamin Hawkins, July 8, 1783.]

That a Committee be appointed to consider and define the jurisdiction proper to be established by Congress within the bounds of the district that may be allotted to them by the State in which they may chose to fix their permanent residence.¹

WEDNESDAY, JULY 9, 1783²

A motion was made by Mr. [Stephen] Higginson, seconded by Mr. [Samuel] Holten,

“That the Superintendant of finance do direct the receiver of continental taxes in the State of Massachusetts, to pay to the officers and soldiers of the Massachusetts line of the army, who have been discharged on furlough, the amount of one year’s pay, out of the monies he may receive from that State, on account of the requisition for the expences of the year 1782.”³

¹ This motion is in the *Papers of the Continental Congress*, No. 36, II, folio 169. The indorsement indicates that it was presented this day; and Committee Book No. 186 shows that, on July 18 Mr. [Oliver] Ellsworth, Mr. [James] Duane, Mr. [James] Wilson, Mr. [Jacob] Read and Mr. [James] McHenry were appointed a committee. On July 23, Mr. [James] Madison was appointed, in place of Ellsworth, and, on September 3, Mr. S[amuel] Huntington and Mr. [Richard] Peters were added to the committee, and a report was delivered September 5. See *post*, September 5 and September 22.

On this day, as the indorsement and the record in Committee Books No. 186 and No. 191 indicate, a memorial of Stephen Moore, relative to his lands at West Point, was read, and referred to Mr. [Abraham] Clark, Mr. [Oliver] Ellsworth and Mr. [Hugh] Williamson. On July 23, Mr. [James] Duane was appointed in place of Ellsworth, and a report was delivered August 22, and acted on, September 25. Moore’s memorial is in No. 41, VI, folio 303.

Also, a letter of July 2 from Winslow Warren, applying to be a Consul. It is in No. 78, XXIV, folio 399.

Also, a letter of July 8 from the Assistant Secretary at War. It is in No. 149, III, folio 53.

Also, a letter of July 4 from General Washington. It is in No. 152, XI, folio 393.

Also, a letter of July 5, and one of July 6, from Major General Robert Howe. They are in No. 38, folios 85 and 89.

² From this point the entries in the Journal are by George Bond.

³ This motion, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 177.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Abraham] Clark,

That the foregoing motion be committed: and on the question for commitment, the yeas and nays being required by Mr. [Stephen] Higginson,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Holton,	no	} no	Mr. McComb,	ay	} ay
Higginson,	no		Bedford,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Bland,	ay	} *
Arnold,	ay		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Hawkins,	ay	} ay
Mr. Boudinot,	ay	} ay	Williamson,	ay	
Clark,	ay		<i>South Carolina,</i>		
Condict,	ay		Mr. Izard,	ay	} ay
<i>Pennsylvania,</i>			Read,	ay	
Mr. Fitzsimmons,	no	} div.			
Montgomery,	ay				

So the question was lost.

After some further debate, an adjournment was called for, and agreed to.¹

THURSDAY, JULY 10, 1783

Congress resumed the consideration of the motion of Mr. [Stephen] Higginson, which was under debate yesterday; and thereupon,

Ordered, That the said motion be referred to a committee of three.

[Motion of Mr. John Francis Mercer, seconded by Mr. Thomas FitzSimons, July 10th, 1783.]

The Delegates of Pennsylvania having suggested that there is an ambiguity of expression in the following words [That they regretted the insult which had happened, with this additional motive of sensibility that they had themselves had a principal share in it] contained in the report of a committee entered in the Journals of Congress on

¹ On this day, as the indorsement indicates, was read a letter of the same date from the Assistant Secretary at War. It is in the *Papers of the Continental Congress*, No. 149, III, folio 57.

the [1] day of [July] which ambiguity of expression is complained of by Executive Council of that State.

Resolved, That the committee who made the said report be permitted ~~after the above mentioned sentence in such manner as will most clearly express their sense~~ to explain their sense of the afore-said expression.¹

FRIDAY, JULY 11, 1783

Congress took into consideration the report of the committee, consisting of Mr. [Theodorick] Bland, Mr. [Thomas] Fitzsimmons and Mr. [Stephen] Higginson, to whom was referred the motion of Mr. [Stephen] Higginson, and the same being read as follows:

Whereas it has been represented to Congress, that the officers and soldiers of the Massachusetts line, who have lately retired on furlough, have not received the pay which was formerly directed; and whereas it is the wish of Congress to do equal justice to all the officers and soldiers of the continental army; therefore,

Resolved, That the Superintendant of finance be, and he is hereby directed to complete without delay, the same payments to the officers and soldiers of the Massachusetts line, which were ordered to be paid to the army at large.

Resolved, That the Superintendant of finance be directed immediately to order the receivers of the continental revenue in each State, to receive the notes issued by his order for the payment of the army, whether signed by himself or Michael Hillegas, treasurer, payable in one, two, three, four, five or six months ² in discharge of the requisition for eight millions of dollars, for the expence of the year 1782, and that he imme-

¹ This motion, in the writing of John Francis Mercer, except the last eight words, which are in that of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 175.

² The following in the report, in the writing of Elias Boudinot, appears to have been offered as an amendment to the rest of this paragraph:

And to take up such of said notes as may be tendered them for payment as far as the money they may from time to time respectively have on hand will enable them to do the same.

diately publish the said order in all the newspapers in the several states.¹

A motion was made by Mr. [Samuel] Holten, seconded by Mr. [Stephen] Higginson, to postpone the consideration of the report, in order again to take up the original motion as entered on the Journal the 9th instant. And on the question for postponing, the yeas and nays being required by Mr. [Samuel] Holten,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Holten,	ay	} ay	Mr. McComb,	no	} no
Higginson,	ay		Bedford,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Bland,	no	} no
Arnold,	ay		Mercer,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Ellsworth,	no	} *	Mr. Hawkins,	no	} no
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	} no	<i>South Carolina,</i>		
Clark,	no		Mr. Izard,	no	} no
Condict,	no		Read,	no	
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	no	} no			
Montgomery,	no				

So the question was lost.

The report was then taken into farther consideration, and the following resolution agreed to:

Whereas it has been represented to Congress that the officers and soldiers of the Massachusetts line, who have

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 20, I, folio 143. The following clause is in No. 26, folio 447, and was referred on this day, as the indorsement shows, to the Superintendent of Finance to report, and on July 18 referred, with the Superintendent's report, to Mr. [Theodorick] Bland, Mr. [Stephen] Higginson, Mr. [James] McHenry, who made a report July 29:

“Resolved, That the Superintendant of Finance be directed immediately to order the receivers of the continental revenue in each State to receive the notes issued by his order for the payment of the army and to take up such of said notes as may be tendered them for payment, as far as the money they may from time to time respectively have on hand, will enable them to do the same and that he immediately publish the said order in all the newspapers in the several States.”

lately retired on furlough, have not received the pay which was formerly directed; and whereas it is the wish of Congress to do equal justice to all the officers and soldiers of the continental army:

Resolved unanimously, That the Superintendant of finance be; and he is hereby directed to complete without delay, the same payments to the officers and soldiers of the Massachusetts line, which were ordered to be paid to the army at large.

The last paragraph of the report being under debate, and the same having been amended,

Ordered, That it be referred to the Superintendant of finance to report, and that he be directed to report immediately what measures he has taken relative to the pay of the army.

On motion of Mr. [Stephen] Higginson, seconded by Mr. [Samuel] Holten,

Resolved, That the Superintendant of finance be directed to report to Congress, the reasons why the troops lately ~~discharged upon furlough belonging to the Eastern states~~ furloughed, did not receive part of their pay previous ~~to their being discharged~~ thereto, agreeably to the intention of Congress; and also to report the measures by which he expects to redeem the notes he has ~~given~~ issued, or may hereafter ~~give~~ issue to the troops which have been ~~discharged on furlough~~ or may be furloughed under the resolution of the 26th day of May last.¹

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Oliver] Ellsworth, Congress came to the following resolution:

One of the delegates from Pennsylvania having read in his place a letter from the Supreme Executive Council of that

¹ This resolution, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 173.

State, complaining of an ambiguity in part of the report of a committee which was entered on the Journals on the 1st instant in the following words: "That they (the Executive Council) regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it."

Resolved, That Congress do not conceive the committee had the most distant intention to insinuate that the Executive Council ~~took any blame to themselves as if they had any~~ share in promoting the insult which was offered to Congress by the mutinous troops, but that the Executive Council had shared with Congress in receiving the insult ~~as they were sitting under the same roof.~~¹

The Committee consisting of Mr [Hugh] Williamson, Mr [Eleazer] McComb and Mr [Jonathan] Arnold, to whom was referred the memorial of Mr James McMechen, who alledges that six persons, by the help of a certain combination of mechanical powers which he has invented, may convey a Boat several hundred miles up a river, where there is a constant stream, and the same distance down, with the burden of five tons in going up and twenty tons in going down, at the average rate of eight miles per hour and upwards, working twelve hours in the day—and praying a compensation in land on the west side of the Ohio, as the condition of publishing his discovery, beg leave to represent;

That though they are very apprehensive the Boat, when constructed, will not by any means answer Mr McMechen's expectations, yet they are convinced that the discovery, should it succeed, would be attended with the most solid advantages, especially to those who may live on the western waters. They beg leave also to represent, that tho' Congress must have the greatest desire to encourage every mechanic art, which may tend to the promotion of Trade and the cultivation of this great Empire, there are reasons which would render it improper for them at present to promise Mr McMechen the land he desires. Wherefore they submit the following Resolve:

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 181.

That if the Boat proposed to be constructed by Mr McMechen shall answer the valuable purposes that from his memorial he seems to expect, Congress, when the situation of their affairs may permit of it, will take the same into consideration; and notwithstanding that he may have published his discovery, they will grant such premium ~~in Lands~~ to the Projector as to them may seem an adequate compensation.¹

[Motion of Mr. Stephen Higginson July 11, 1783.]

That the Superintendent of Finance be directed to report to Congress what notes are now in circulation and to what amount that are payable within three months from this time, and also whether any money is immediately necessary to defray expences in the marine *or any other* Department, and whether he has other resources than the requisitions upon the states to redeem such notes and defray those expences.²

The Superintendent of Finance to whom was referred the petition of Grace Mercer widow of Richard Mercer Esq^r Purveyor to the Hospitals of the United States in South Carolina begs leave to report,

That if, as is alledged, the Paper Money therein mentioned remained in the Hands of the said Richard Mercer from the time in which he received it until his Death and from that time to the present in the Hands of his Widow the Delivery of it ought to discharge the said Richard Mercer's Estate in account with the United States from the value which so much money was of at the time it was received by him. And the Delivery of the said Money into the State Treasury of South Carolina ought in like manner to discharge the United States from the like value in account with the said State.

That the Commissioner for Settling the Hospital Accounts will therefore on proper Proof made to him of the Facts above stated receive the said money and credit the same in the account of the said Richard Mercer and will transmit the money and the Proof to the Commissioner for Settling the accounts of the United States with

¹ This report, in the writing of Eleazer McComb, is in the *Papers of the Continental Congress*, No. 19, IV, folio 39. According to the indorsement it was read on this day. McMechen's memorial is in No. 78, XVI, folio 359, and was read and referred to the committee, July 9.

² This motion, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 179.

the State of South Carolina who will enter it in those accounts to the Credit of the United States.

OFFICE OF FINANCE 8 July, 1783.¹

WEDNESDAY, JULY 16, 1783²

Mr. [James] Duane, a delegate from the State of New York, and Mr. [Arthur] Lee, a delegate from the State of Virginia, attended, and took their seats in Congress.

The agent of marine, to whom was referred a letter of 20 June last, from the governor of Virginia to the delegates of that State, having reported,

That the services rendered by Messrs. Cowper and Ballard, were previous to the requisitions for the service of 1782 and 1783, so that no moneys now in the treasury can properly be applied to the payment of what those services may on a proper investigation appear to be really worth. That the commissioner appointed to settle the accounts of the United States in Virginia, is authorised to adjust the value of services rendered by the citizens thereof to the United States, at the time and place where they were rendered, according to the principles of equity; an authority which is vested in him completely and exclusively. That therefore Messrs. Cowper and Ballard must apply to the said commissioner, who, if he should find the United States to be in their debt, will give them certificates like to those which are given to other creditors of the said states, and will transmit such materials

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 607. The indorsement shows that it was read on this day and on July 16 referred to Mr. [Richard] Peters, Mr. [Abraham] Clark and Mr. [Stephen] Higginson. A duplicate of the report, also signed by Morris, but dated 31 July, 1783, is in No. 137, II, folio 731. It is indorsed as delivered August 5, entered, and "to be filed among obsolete reports." See *post* July 23.

On this day, as the indorsement states, was read a letter of July 5 from General Washington enclosing papers relating to the "pretended promotions of several officers in Brigadier General Hazen's regiment." It is in No. 152, XI, folio 397, and the enclosures on folios 401-409. It was referred to the Secretary at War to report.

² Here Charles Thomson resumes the entries in the Journal.

to the commissioner for settling the accounts of the marine department, as will enable him to make proper charges in those accounts.¹

Resolved, That Congress agree to the said report.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Madison and Mr. [Jacob] Read, to to whom was referred a letter of 23 June, from the Commander in Chief, enclosing a copy of his correspondence with the commissioners for superintending the embarkations at New York:

Resolved, That the Commander in Chief be instructed to recall the commissioners who have been appointed to superintend the embarkations at New York, unless some change of circumstances shall have occurred, from which he may conclude that their further continuance in New York may be productive of some advantage to the citizens of the United States.²

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Samuel] Holten,

Resolved, That whenever the President shall be obliged to adjourn Congress, from the want of seven States, an entry shall be made in the daily Journal of the states present, and of the names of the individual members present from the states unrepresented.³

The Committee consisting of Mr [Hugh] Williamson, Mr [Jacob] Read and Mr [James] McHenry to whom was referred the Petition and Memorial of Mr Anthony Hutchins, beg leave to represent that Mr Hutchins who is a native of New Jersey and sundry other persons with whom he is associated appear to have settled at the Natchez on the River Mississippi while that Country was subject to the British Government; that when W. Florida was lately conquered by the

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 611. It is dated 9th July, 1783.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 439.

³ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 407.

Spanish arms, they submitted to the Government of his most Catholic Majesty, since which time they have had the misfortune to incur the displeasure of Govt. and have found it necessary to consult their safety by flight, leaving their wives children and effects behind. The memorialist and his associates are now desirous of becoming citizens of the U. S. and pray for such relief in their present embarrassed situation as to Congress may seem fit, on which your Committee submit the following Resolve,

That the agent for the U. S. at the Havannah be instructed to apply to the Vice Roy or Governor of West Florida in behalf of Mr Anthony Hutchins and others whom he represents, who have been settlers at the Natchez on the River Mississippi and are now desirous of becoming citizens of the U. S. and request that the clemency of his Catholic Majesty may at this hour of peace be extended to those unfortunate men and that they be permitted to go to the Natchez in safety and bring off their wives and children and to remove their property or dispose of it.¹

The Agent of Marine to whom were referred the memorials of Thomas Bell and William Pickles begs leave to report,

That the memorialists appear to have been possessed of Commissions by Persons entrusted at the time with authority to grant the same.

That in Consequence thereof they have been Considered and have considered themselves as Captains in the Navy of the United States and as such have constantly associated with their Brother Officers of that Rank.

That they have been recognized as such on the Records or Minutes of the Marine Department, and

That to deprive them of such Rank might wear an appearance of Hardship, more especially as they have both on different occasions behaved with a Degree of Spirit worthy the Commissions they have asked a Confirmation of.

He begs Leave therefore to propose the following Resolution:

That Thomas Bell and William Pickles receive Commissions as Captains in the Navy of the United States.

MARINE OFFICE 10th July 1783.²

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 223. The indorsement shows that it was delivered on this day, entered and read.

² This report is in the *Papers of the Continental Congress*, No. 137, II, folio 615. The indorsement states that it was "passed in the negative" on this day.

WAR OFFICE July 12, 1783.

SIR,

On the letter from Major General Baron Steuben recommending Captain North, his Aid de Camp, for the brevet rank of Major, referred to the Secretary at War, I beg leave to inform your Excellency that the Commander in Chief in a letter, addressed to the Secretary at War, dated the of last, proposed that an application should be made to Congress soliciting that those Officers now holding the same rank which they held in 1777, might be honored with the next superior grade by brevet. As this application has been made, and the Baron's letter appears to be founded in the same idea, I do not find myself at liberty to report in favor of any individual officer, however distinguished his services and merit, until Congress shall be pleased to resolve upon the subject generally.¹

Ordered, That a Letter of 10th July, 1783, from the Agent of Marine for the Sale of the Ship *Hague* be referred to the Agent of Marine to take Order. And that he report the present State of the Ships and Vessells belonging to the United States, how they are employed and the expences attending them.²

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 81. It was referred to Mr. [Alexander] Hamilton, Mr. [James] McHenry and Mr. [Richard] Peters. According to Committee Book No. 191, a report was delivered July 28.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. See *post* July 26.

On this day, as the indorsement indicates, was read a letter of the 11th from the Superintendent of Finance, transmitting a copy of his letter to the governors of the several states and an account of the receipts and expenditures from January 1 to June 30, 1783. It is in the *Papers of the Continental Congress*, No. 137, II, folio 631.

Also, a letter of July 12, and one of July 14, from the Assistant Secretary at War, enclosing a copy of a letter, dated Fort Pitt, 5th June, 1783, from Ephraim Douglass, a messenger to the Indian Nations. They are in No. 149, III, folios 61-69, and were referred to Mr. [Richard] Peters, Mr. [Abraham] Clark and Mr. [James] Duane, together with the address of John Killbuck, an Indian Chief. The record in Committee Books, No. 186 and No. 191, shows that a report was delivered July 23, and acted on August 6.

Also, a letter of July 14, from the Assistant Secretary at War, in reference to promotions in General Hazen's regiment. It is in No. 149, III, folio 73. A copy was ordered to be sent to the Commander in Chief.

Also, resolutions of the legislature of Virginia dated June 28, 1783, offering the city of Williamsburg for a residence for Congress. It was ordered to be sent to the several states. It is in No. 46, folio 55.

On this day, as the indorsement states, was read a letter of July 13, and one of July 15, from Major General Robert Howe. They are in No. 38, folios 93 and 97.

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~~THURSDAY, JULY 17, 1783~~

~~Only five states attended, namely: Massachusetts, New York, New Jersey, North Carolina and South Carolina.~~

FRIDAY, JULY 18, 1783

An address from the magistrates, militia officers, and citizens of the town of Newark, signed by W. Burnet, esq. chairman, having been read:

The Committee, consisting of M^r [Jacob] Read, M^r [James] M^cHenry and M^r [Stephen] Higginson, to whom was referred the address to Congress from the Magistrates Militia officers and Citizens of the town of Newark in the State of New Jersey, signed by William Burnet Esq. Chairman and presented by William P. Smith and Elisha Boudinot Esqrs. their Committee.

Resolved, That the President inform Mr. Burnet, that Congress entertain an high sense of the spirit and patriotism of the magistrates, militia officers, and citizens of the town of Newark, applaud their zeal for good order and the security and honour of the federal government, and are obliged by their disposition to render the residence of Congress in the State, as agreeable as possible.¹

On the report of a committee, consisting of Mr. [Jacob] Read, Mr. [William] Ellery and Mr. [James] M^cHenry, to whom was referred a letter of 23 June, from the Commander in Chief, enclosing the copy of a letter from Mr. Reuben Harvey, merchant in Cork, in the kingdom of Ireland, and other papers,

The Committee consisting of M^r [Jacob] Read, M^r [William] Ellery and M^r [James] M^cHenry, to whom was referred the letter from his Excellency the Commander in Chief, dated Newburgh 23rd June 1783, inclosing the Copy of a letter from M^r Reuben Harvey merchant in Cork in the Kingdom of Ireland, dated 12th February, 1783, and directed to the Commander in Chief, and other enclosures, recommend the following Resolve:

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 20, I, folio 293. The address of the inhabitants of Newark, dated July 7, is in No. 43, folio 333. It was read and referred July 16.

Resolved, That his Excellency the Commander in Chief, be requested to transmit the thanks of Congress to Mr. Reuben Harvey, merchant in Cork, in the kingdom of Ireland, and express the ~~high~~ just sense Congress entertain of the services he has rendered during the late war, to American prisoners.

~~by supplying them with clothing money and other necessaries, by promoting an inquiry into the treatment of those confined at Kingsale and in affording them every relief in his power. And to assure Mr. Harvey that his exemplary conduct and liberality of sentiment has given him a distinguishing claim to the gratitude of his country.~~¹

The Committee of the Week, consisting [of Mr. James Duane, Mr. Arthur Lee and Mr. Jacob Read] beg leave to report.

That in their opinion the memorial of Joseph Tascaud praying for the office of Consul for the United States in the Port of Cape François be laid on the table until the appointment of Consuls for the West India Islands shall be taken into consideration.²

The Committee of the Week consisting of [Mr. James Duane, Mr. Arthur Lee, and Mr. Jacob Read] beg leave to report.

That they have considered the petition of Dr. Dirck Van Ingen and are of opinion that it ought to be referred to a special committee.³

On motion of Mr. [Alexander] Hamilton "That it be recommended to the several states to liquidate and settle the accounts of the depreciation of the officers employed in the mustering Department, on the same principles as have been observed in liquidating and settling those of other officers of the Army."

By the United States in Congress Assembled July 18th 1783,

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, III, folio 71.

² This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 511. From the indorsement it is dated this day. Tascaud's petition is in No. 42, VII, folio 447, and the indorsement shows that it was ordered to be filed with other applications to the same purpose.

³ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 515. By the indorsement it is dated this day. Dr. Dirk Van Ingen's petition for depreciation, dated Schenectady, July 1, is in No. 42, VIII, folio 43. According to the indorsement, and the record in Committee Books 186 and 191, it was referred on this day to Mr. [James] McHenry, Mr. [Hugh] Williamson and Mr. [Abraham] Clark; a report was delivered July 23, and acted on, August 12.

Ordered, That it be referred to the Sec^y at War to report.¹

The Superintendent of Finance to whom was referred on the eleventh Instant the Extract of a Report with order to report thereon and also to report what Measures he has taken relative to the Pay of the Army, begs Leave to report,

That the receivers in the several States have long since been instructed to take all notes signed by the Superintendent of Finance in Payment of the Taxes, and also to take up all such notes whenever tendered if they have public Money in their Hands.

That when it was in Contemplation to make a Payment to the Army the Committee who conferred with the Superintendent on that Subject were informed that it could only be done in notes and that in order to support the credit of such notes it would not be sufficient that they should only be receivable in Taxes in some particular State but that the Receivers throughout the States must receive and exchange them in like manner with other Notes issued from the office of finance.

That the Instruction to the Receivers is generally known to all those who are concerned in the Business they relate to and in Consequence thereof the Receivers are in the constant practice of receiving and exchanging Notes signed by the Superintendent of Finance which they duly remit to the Treasury.

That whenever they shall find it difficult to obtain such Notes for the purpose of making their Remittances (which is not likely to be the Case in any Short Period) they will naturally advertise to obtain them; wherefore, any general Notification such as is contained in the Extract committed will be unnecessary. That if such Publication as is recommended were confined (as seems to have been the Idea) to those notes which have been issued for Payment of the Army it would destroy what little Credit is at present reposed in the public Servants, and by bringing home immediately all other Notes which have been issued render it impracticable to discharge them, in which Case the Notes issued to the Army could be of no use because no Body would take them. The Importance of preserving Credit in this Respect will appear from the Preamble to an act of Congress of the second of May last.

¹ This motion and order, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 36, II, folio 187. The original motion in Alexander Hamilton's writing is on folio 191. According to the indorsements, and to the record in Committee Books No. 186 and No. 191, it was on this day referred to the Secretary at War to report. His report, delivered July 26, was debated August 12, and Hamilton's motion negatived. See *post* August 12.

That if (as is most probable) the Publication were intended to relate alike to all notes it is a thing which is already well known and therefore the Expence of Printing may be spared.

With Respect to the Measures taken relative to Paying the Army, He begs Leave to report that upon an Estimate from the War office he signed Warrants for four Months' Pay of the Present Year, whereof one Month's Pay has been made to the Non Commissioned Officers and Privates in Specie and to the Officers in Notes, and three Months' Pay to both Officers and Soldiers in Notes. That the Paymaster has not yet received all the notes necessary for the Purpose but has in his Hands as many as he wants for the present.

OFFICE OF FINANCE *15th July, 1783.*¹

Adjourned to 10 o'Clock on Tuesday.²

TUESDAY, JULY 22, 1783

Six states only attended, namely, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, and North Carolina; and from the State of Maryland, Mr. [James] McHenry; from the State of South Carolina, Mr. [Ralph] Izard.

WEDNESDAY, JULY 23, 1783

Mr. [David] Howell, a delegate from Rhode Island, attended, and took his seat in Congress.

On the report of a committee, consisting of Mr. [Richard] Peters, Mr. [Abraham] Clark, and Mr. [Stephen] Higginson, to whom was referred a report of the Superintendent of finance, on a petition of Mrs. Grace Mercer:

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 643. The indorsement states that it was read this day and referred to Mr. [Theodorick] Bland, Mr. [Stephen] Higginson and Mr. [James] McHenry.

² On this day, according to the indorsement, a letter of July 14 from John Dickinson, President, and the Supreme Executive Council of Pennsylvania was read and referred to Mr. [Stephen] Higginson, Mr. [William] Ellery and Mr. [Hugh] Williamson, together with all the letters received from them since 21 June, and the letters from Major General Robert Howe. It is in the *Papers of the Continental Congress*, No. 38, folio 151. According to the record in Committee Books 186 and 191, a report was delivered July 23, but does not appear to have been acted upon.

The Committee to whom was referred a memorial of Mrs. Grace Mercer, relict of Mercer, late Purveyor of the Hospital in South Carolina, Report,

That the time when the particular purpose for which the said money was received or the reason why the same was not applied to the use intended do not appear; and as a permission granted to public Officers to return paper money received at periods of depreciation would establish a Precedent which may be productive of many ill consequences Your Committee are of opinion,

Ordered, That the Superintendant of finance transmit to the commissioner for settling the accounts of the hospital department, a copy of the memorial of Mrs. Grace Mercer, and in the settlement of the accounts of the late Mr. Mercer, due enquiry be made by the said commissioner, into the causes of the detention of the money therein mentioned; and that the said commissioner report the result of such enquiry to the Superintendant of finance, who is hereby authorised to take order therein as shall appear to him just, on such report being made.¹

On motion, *Ordered*, That the committee of five members, appointed last January, to enquire into the proceedings of the department of foreign affairs, be discharged; they having assigned satisfactory reasons for not reporting.

Ordered, That a Letter of the 23rd of April from the Superintendant of Finance on the regulation of a Mint, and one do. of 12th December, 1782, from Ditto respecting the rate of foreign Coins be referred to Mr. [Thomas] Fitzsimmons, Mr. [Ralph] Izard, Mr. [Stephen] Higginson, Mr. [James] Duane and Mr. [James] Madison.

Ordered, That a Committee of five be appointed to enquire fully into the proceedings of the Agent of Marine and report the result of their enquiry.

The Members, Mr. [Stephen] Higginson, Mr. [Benjamin] Hawkins, Mr. [William] Ellery, Mr. [Samuel] Holten and Mr. [James] Duane.

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, IV, folio 55. The indorsement states that it was passed on this day.

Ordered, That so much of a Letter from the Superintendent of Finance as relates to his desire of being excused from executing the Office of Agent of Marine be referred to the above Committee.¹

THURSDAY, JULY 24, 1783

Six states only attended, namely: Massachusetts, Rhode Island, New Jersey, Pennsylvania, Virginia, and South Carolina; and from the State of New York, Mr. [James] Duane; from the State of South Carolina, Mr. [Ralph] Izard.

¹ These orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. See *ante* December 16, 1782, and April 23, 1783.

On this day, according to the indorsement, was read an act of the General Assembly of Virginia, June 20, 1783, for enlistment of guards and referred to the Secretary at War. It is in the *Papers of the Continental Congress*, No. 75, folio 384. According to Committee Book, No. 186, he reported July 28.

Also, an act of the General Assembly of Virginia, 27 June, 1783, relative to the offer of cession of lands. It was ordered to lie on the table. It is in No. 75, folio 386.

Also, on this or an approximate date, a letter of July 22 from the Agent of Marine transmitting a letter of James Geagan, formerly surgeon of the *Alliance*, asking for the same sentence as other officers received. It is in No. 137, II, folio 681.

Also, the proceedings of the inhabitants of Williamsburg relative to their submitting to the jurisdiction of Congress. It is in No. 46, folio 89. It was referred to ~~Mr. Hamilton~~, Mr. [James] Duane, Mr. [James] Wilson, Mr. [Jacob] Read, Mr. [James] McHenry and Mr. [James] Madison. According to the entries in Committee Book No. 186 and No. 191, this was the committee appointed July 18 "to report what jurisdiction may be necessary for Congress in the place where they shall fix their permanent residence." On September 3 the committee was renewed, Mr. S[amuel] Huntington and Mr. [Richard] Peters being added. A report was delivered September 5, and "Thursday, September 18 assigned." See *post* September 22.

According to the indorsement a resolution of the General Assembly of Virginia, of June 26, 1783, was read and "referred so far as relates to the offer of the Ship *Cor-morant*, to the Agent of Marine to report." The copy of the Virginia resolution is in No. 137, II, folio 729. According to the record in Committee Books No. 186 and No. 191, the report of the Agent of Marine was delivered and passed August 5.

Also, on this day, according to the entry in Committee Book No. 186, an address of the Citizens of Philadelphia and the Liberties thereof was referred to Mr. [Hugh] Williamson, Mr. [James] Duane, Mr. [Stephen] Higginson, Mr. [Arthur] Lee, and Mr. [Ralph] Izard, who delivered a report July 28. The address is in No. 43, folios 312-331.

FRIDAY, JULY 25, 1783

Six states only attended, namely: Massachusetts, Rhode Island, New Jersey, Pennsylvania, Virginia, and North Carolina; and from the State of New York, Mr. [James] Duane; from Delaware, Mr. [Eleazer] McComb; from Maryland, Mr. [James] McHenry; and from the State of South Carolina, Mr. [Ralph] Izard.

SATURDAY, JULY 26, 1783

An address from the officers of the three battalions of militia of Hunterdon, Middlesex and Somerset, most contiguous to Princeton, being read,

The Committee consisting of Mr [Ralph] Izard, Mr [Stephen] Higginson, and Mr [Hugh] Williamson, to whom was referred an address from the officers of the three battalions of Militia of Hunterdon, Middlesex, and Somerset, submit the following report—

Resolved, That the President inform the officers of militia of Hunterdon, Middlesex and Somerset, that Congress have received with much satisfaction, their respectful and affectionate address, and highly approve of the patriotic sentiments contained in the resolutions with which it is accompanied.¹

[Report of Mr. Richard Peters, Mr. James McHenry, Mr. Abraham Clark, on a letter of the 30th June, 1783 from the President of New Hampshire.]

The committee consisting &c to whom was referred the letter from the Honorable Meshech Weare Esq., President of the State of New Hampshire, report,

That so much of the letter of June 30, 1783, from Meshech Weare, Esq., President of the Council of the State of New Hampshire, with its enclosures, as relate to the appointment of a loan officer and

¹ This report, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 20, I, folio 291. The address of the militia officers is in No. 46, folio 51, and it was referred to the above committee July 23.

granting certificates for interest due on loan office certificates be referred to the Superintendent of Finance to report.¹

Memorial from [Casper Voght & Co.] of Hamburg enumerating and recommending the manufactures &c of that place, and praying that they may have the countenance of Congress.

The committee of the week [Mr. James Madison, Mr. David Howell, Mr. Silas Condict] report that the memorial lie on the table.²

The Agent of Mariue to whom it was referred to report the present State of the Ships and Vessels belonging to the United States, how they are employed and the Expences attending them, begs Leave to report,

That agreeably to the order of the sixteenth of July he has ordered the *Hague* to be sold.

That the *Duc De Lauzun* was already ordered to be sold on her arrival in France, agreeably to the Resolutions of Congress on that Subject. That the *Washington* Packet is probably by this Time on her return from France and sails at an Expence of about six hundred Dollars per month.

That the *Alliance* is now in the River Rapahannock taking in a Cargo of Tobacco for Amsterdam, on account of the United States, and will sail shortly at an Expence of about fourteen hundred Dollars per month.

That the *Bourbon* Frigate is probably Launched at present and over and above the Debts already due for work lately done on her would cost about twenty thousand Dollars to be fitted for Sea and would then sail at the same Expence with the *Alliance*.

That in the Expence at which the above mentioned Vessels are estimated to sail are included only the articles of Pay and Provisions.

The Agent of Marine not seeing any Probability of being able to fit out the *Bourbon* in which case she must be ruined or a Considerable

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 20, I, folio 25. The indorsement states that it was passed on this day. The letter of the President of New Hampshire is in No. 64, folio 230. Committee Book No. 186 shows that President Weare's letter was referred, on July 16, to Mr. [Oliver] Ellsworth, Mr. [Richard] Peters and Mr. [James] McHenry, and on July 23, Mr. [Abraham] Clark was appointed in place of Ellsworth. See *post*, August 5.

² This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 41, X, folio 348. The indorsement shows that it was delivered July 23, and on July 26 was agreed to and the report ordered to lie on the table. The memorial, dated Hamburgh, 20th December, 1782, is on folio 345.

Expence incurred in the Care of her, Prays leave to submit the Propriety of Selling that Ship also.

MARINE OFFICE 22^d July, 1783.¹

Ordered, That a Letter of July 10th from Major General Greene relative to the Accounts of Colo. Kosciuzsko, be referred to the Superintendant of Finance to report.²

OFFICE OF FINANCE, 18 July, 1782.

SIR,

I would sooner have replied to the Act of Congress of the eleventh Instant if I had not been prevented by other Business which required immediate Attention. The act recites a Representation to Congress that certain Parts of the army retired on furlough have not received the Pay &c^a. I will not contest the Truth of this representation. But when I come to State such Facts as are within my knowledge I shall appeal to the Candor of Congress how far that Representation will warrant a Censure against me.

I am directed to Compleat without Delay the same Payment to the Officers and Soldiers of the Massachusetts Line which were ordered to be paid to the army at large. Congress will be pleased to observe that they have passed no particular order to which the above Resolution can refer. The general Acts which relate to Paying our Army form the *Authority* on which the Payment alluded to was made. Supposing however that by the Resolution is meant three months' Pay in notes payable at six months from the Date, I must take the Liberty to remind Congress that Compleating the Payment to any part of the Army is not the Business of my Department but of the Pay Master General. All which can depend on me is to put those notes into his Hands when called for and this has been done as fast as possible.

I am directed to report the Reasons why the Troops lately furloughed did not receive a Part of their Pay previous thereto. Not being able, Sir, to make so full report on this Subject as I could wish I have written a Letter to the Paymaster General of which the Enclosure number one is a Copy. The Answer to this Letter shall be transmitted as soon as received. The Facts relating to that matter which are within my knowledge are these.

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 677. The indorsement says it was rendered in pursuance of the order of July 16, was entered and read this day and, so far as relates to the sale of the *Bourbon*, referred to the Agent of Marine to take order.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

On the ninth Day of April last a Committee of Congress did me the Honor to call for the Purpose of consulting on certain Propositions contained in a Letter from the Commander in Chief to an honorable member from Virginia. One of these Propositions was to make the army three months' Pay previous to their Disbandment. My reply was an Acknowledgement that the claim was very reasonable a Declaration that I doubted of the Practicability and a Prayer to be indulged with Time for Consideration. On the fourteenth of April I wrote a Letter to that Committee In which I had the Honor to inform them that three months' pay amounted according to the Estimates to seven hundred and fifty thousand Dollars. That to supply so large a sum was utterly impracticable or indeed to obtain any considerable Part. That the most which could be done was to risk a large paper Anticipation. That to render the arrangements for that Purpose effectual in an official Point of View would be a work of Time. That the Period of my official Existence was nearly arrived. That disbanding the army in a manner satisfactory to them and to the Country was doubtless desirable. That I believed it to be practicable altho extremely difficult and that I should be ready at all times to give my Advice and Assistance to those who might be charged with that delicate and perilous Undertaking.

On the twenty second of April Congress were pleased to appoint a Committee to confer with me relative to my Continuance in office. I told that honorable Committee that late Advices from Europe gave a new Complection to our Affairs and prayed some further time for the Receipt of Intelligence. On the twenty fourth of April I had the Honor to inform the Committee that if Congress thought my assistance essential towards compleating such Payment to the Army as might be agreed on &c^a I would consent to a further Continuance in Office for that Purpose but prayed to be excused from that Service if Congress could otherwise accomplish their Views.

On the twenty eighth of April Congress were pleased to resolve that the public service *required my Continuance in Office* 'till Arrangements for the Reduction of the Army could be made and the Engagements taken in Consequence as well as those already taken should be compleated. On the second of May Congress were pleased to pass some further Resolutions on the same Subject which I shall shortly have occasion to mention. On the third of May I had the Honor to entreat of your Excellency that you would inform Congress

I entertained a proper Sense of their Assurance of firm support and *in Reliance on it* should continue my zealous Exertions for the service of the United States.

On the ninth of May having had a Conference with the Minister of War on the Resolutions of the seventh and twenty eighth of April and second of May we took the Liberty to request that a Committee might be appointed to confer with us on the Subject of those Resolutions. On the fifteenth of May two Gentlemen of that Committee did us the Honor of the Conference requested. In which it was stated as *impracticable to make any Payment to the Army unless our Expenditures were immediately and considerably reduced*. The Committee however being desirous to have the Situation of things stated to them in writing I wrote them a Letter on the same Day shewing that on the last Day of April we were in advance of our Resources to the Amount of six hundred thousand Dollars; that our foreign Resources were exhausted. That our domestic Resources as far as they consisted in Sales of public Property were considerably reduced. That as far as they consisted in the Produce of Taxes they were extremely slender and precarious. That the Monthly Consumption of the army was at least double the Monthly Produce of Taxes. That if they were kept longer in the Field they would consume every Resource by which the Payment could possibly be made or hazarded and therefore that *Unless the far greater Part of our Expences was immediately curtailed the Object Congress had in View by their Resolutions of the second of May could not possibly be accomplished*. This Letter was accompanied with the necessary Documents to establish the Positions contained in it.

On the twenty sixth of May it was resolved that the Commander in Chief should be instructed to grant furloughs &c. And this Resolution was communicated to me on the twenty seventh. Thus Sir from the ninth day of April when the matter was first proposed until the twenty seventh day of May when the final Determinations of Congress were made known my Conduct was of necessity suspended.

On the twenty ninth of May I informed the Commander in Chief of my Determination to issue notes payable at six months from the Date for three months' Pay and explained to him the reasons why I could not make the Payment in any other mode. In reply to this I received on the fifth of June a Letter from the General dated the third which was brought by Express and urged the transmission of a part of those notes. I immediately wrote an answer in which I

informed him that on Saturday Evening the thirty first of May the Paper arrived from the maker that on Monday the second of June it was delivered to the Printer, that he had agreed to send the first Parcell of notes to me on Friday the sixth of June and that as soon as I could sign them they should be delivered to the Paymaster to be sent forward. On the seventh of June the Paymaster received fifty thousand Dollars on the ninth fifty thousand and on the thirteenth one hundred thousand. So that in six Days I signed six thousand notes besides the other Business of my office. That Paper made on purpose for this Business was necessary no man can Doubt or if it could have been doubted the recent Attempt to counterfeit these notes is a sufficient Proof. That the Printing was to take place before the signing must be admitted. The only Delay therefore with which I can be chargeable must be in the Signing of them and upon that Subject I shall say nothing. If by any means a Delay happened after the notes were delivered into the Pay Office I presume that the Paymaster General will be able to account for it. I shall only add that he has received half a million of these notes as will appear by the enclosed note of the Payments number two.

I am also directed Sir to Report the manner in which I expect to redeem the notes in question. Congress will be pleased to recollect that the issuing of these notes arose from a Proposition made by the General and warmly adopted by them. That altho I was very desirous of gratifying the wishes of the Army I had great apprehensions as to the Ability of doing it. And that from a View of the Scantiness of our Resources I felt extreme Reluctance in giving my Consent. As to the means of redeeming the notes Permit me to refer Congress to the Letters which I had the Honor of writing to your Excellency on the seventeenth of March and first of May. To my correspondence with the honorable Committee of Congress on the fourteenth and sixteenth of April Copies whereof is enclosed in the Paper number three. And to a circular letter to the States of the twelfth of May of which a Copy is enclosed in the Paper number four. Permit me also to refer to the various accounts which have been rendered to Congress of the State of my Department. And to these let me add what appears on their own minutes. On the second of May they Declared it to be their Desire when the Reduction of the Army should take place to enable the Officers and Soldiers to return to their respective Homes with Convenience and Satisfaction *for which purpose it would be indispensable to advance them a Part of*

their Pay. They declared further that there were many other Engagements for which the public Faith was pledged and *the punctual Performance of which was essential to the Credit of the United States.* And they further declared *that neither of those important objects could be effected without the vigorous Exertions of the several States in the Collection of Taxes.* From a Conviction of these Facts Congress were pleased to call upon the respective States in the most earnest manner to forward the Collection of Taxes. As an additional means to accomplish the same end they were pleased to apply for a further Loan of three Million Livres to his most Christian Majesty. And they Resolved that the Superintendant of Finance be directed to take the necessary Arrangements for carrying the Views of Congress into Execution. And that he be *assured* of their *firm* support towards fulfilling the Engagements he has already taken or may take on the public Account during his Continuance in Office.

Having already so fully stated the Situation of my Department I have only to say in Answer to the Order I have received that I rely on the firm Support of Congress solemnly pledged to me (for the Purpose of inducing my Continuance in Office) to redeem those Notes issued to the Army as well as to fulfill all the other Engagements which I have taken or may take on the public account.

Before I close this Letter I beg leave to assign my Reason for Reducing my Report to that form. It is because I had rather bear the Censure contained in the Acts of the eleventh of July however painful than place on the Minutes of Congress any thing which may hold up the Idea of Precipitancy on their part.¹

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folios 647-654. According to the indorsement and the record in Committee Book No. 186, it was read July 26, and referred to Mr. [Theodorick] Bland, Mr. [Stephen] Higginson and Mr. [James] McHenry, who reported on August 25.

On this day, was read, as the indorsement states, the petition of James Geagan, formerly Surgeon of the *Alliance* frigate, asking to partake of the same sentence as other officers of the *Alliance* received. It is in No. 42, III, folio 250.

On this, or an approximate date, was presented the petition dated Princeton, July 26, 1783, of Edward Ward for compensation for the use of his house at Pittsburgh, by Col. Brodhead, and troops under his command. The indorsement gives the date only. It is in No. 42, VIII, folio 266.

Also, a letter of July 18, from Joseph Fernee, offering ground in Germantown for the residence of Congress. It is in No. 78, IX, folio 505.

Also, a letter of July 24, from General Sir Guy Carleton. It is in No. 52, folio 2. It was referred to Mr. [James] Duane, Mr. [Arthur] Lee and Mr. [Stephen] Higginson.

Also a letter of July 23 from Major General Robert Howe. It is in No. 38, folio 101.

MONDAY, JULY 28, 1783

An address from the citizens of Philadelphia, and the liberties thereof, having been received and read:

The Committee, consisting of [Mr. Hugh Williamson, Mr. James Duane, Mr. Stephen Higginson, Mr. Arthur Lee, Mr. Ralph Izard] to whom was referred the address of the citizens of Philadelphia and the liberties thereof beg leave to submit the following resolve:

Resolved That the President inform the citizens of Philadelphia, and its liberties, in answer to their respectful and affectionate address, that the United States in Congress assembled have ~~the highest~~ great satisfaction in reviewing the spirited and patriotic exertions which have been made by the government and citizens of Pennsylvania, in the course of the late glorious war; and that they are highly pleased with the resolution expressed by the citizens of Philadelphia, to aid in all measures which may have a tendency to support the national honor and dignity.¹

On motion, *Resolved*, That the President inform the Commander in Chief, that his attendance at Congress is requested as soon as may be convenient, after his return from the northward.

On the report of a committee, consisting of Mr. [Stephen] Higginson, Mr. [William] Ellery and Mr. [Hugh] Williamson, to whom was referred a letter of the 14 instant from the supreme executive council of Pennsylvania, together with all the letters received from them since the 21 of June, and also a letter of the 13 instant from Major-General R. Howe,

Resolved, That though Congress are disposed to extend every possible mark of ~~humanity to the troops~~ clemency which may consist with the honor of government and safety of the public, to those troops who were concerned in the late mutiny, they cannot take any final resolutions on that sub-

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, II, folio 159.

ject, till the commanding officer shall have finished the trials and enquiries now begun.

~~Resolved, That Major General Howe be informed that Congress have no objection to furloughs being granted to any of the soldiers concerned in the late mutiny, who are not supposed to have been particularly active or instrumental in the same, or whose evidence is not supposed to be essential to important towards convicting the chief offenders.~~

Resolved, That as the act of the 26 of May last, by which the troops that were discharged or furloughed were to be permitted to carry home their arms, originated in the high degree of confidence which Congress have ever had occasion to place in the patriotism and good disposition of the army, the soldiers concerned in the late mutiny having evinced that they are not entitled to such confidence, cannot at present be permitted to take their arms.

~~Resolved, That General Howe be instructed to cause such of the Eastern Troops to return to Head-Quarters as may conveniently be spared from attending on the sitting of the Court-Martial.~~

Resolved, That such of the troops detached from the main army lately detached under the command of Major General Howe, as may not longer be necessary for effecting the services on which they were detached, be sent back to the main army.¹

On a letter, of the 28, from the Secretary at War:

PRINCE TOWN, July 28th 1783.

SIR,

I beg the attention of Congress to the enclosed copy of a letter from the Superintendant of Finance, on the subject of three months pay to the officers late prisoners of war. They have from time to time, in like manner as officers in actual service, received their pay and rations, which usage leaves in my mind no doubt but they are fully within the spirit of the resolve of the 2^d of May, referred to in Mr.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, II, folio 157. According to the indorsement, it was delivered July 23, read and entered.

Morris' letter, which opinion, if approved by Congress, I will communicate to him.¹

Resolved, That such officers of the army of the United States, as were prisoners of war, in the months of February, March and April last, be considered as being within the spirit and intention of the act of Congress of the 2 of May last, which directs an advance of part of the pay due to the army.

The Committee [Mr. James Madison, Mr. Benjamin Hawkins and Mr. James Duane] to whom was referred a letter of the 20 June 1783 with the papers enclosed, Report,

That it appears from the said papers that the Legislature of the State of Maryland at their last session, directed the intendant of their Revenues, to advance five months' pay to the line of that State in the Army of the United States, without the sanction of any Act of Congress.

That in order to supply the means for this advance they at the same time revoked an Act appropriating a particular tax towards discharging requisitions of Congress, and ordered the same to be applied to the discharge of the five months' pay.

That the Superintendent of Finance has remonstrated in a letter to the executive of Maryland against so unjustifiable a proceeding: has transmitted a copy of the Act of Congress of the 1st day of Oct^r 1782 expressing fully their sense in the case of a similar proceeding on the part of the State of N. Jersey: and has pointed out the alarming tendency of the Act of Maryland to frustrate the late important arrangement for an advance of pay to the Army at large and to subvert the foundations of public credit.

[If Acts of Congress most essential to the common interest and grounded on authority clearly vested by the Articles of Union may be defeated by the interference of individual legislature; If actual grants and appropriations as the Quota due from a State towards the pressing burthens of the public may be revoked, and the money applied and expended without the consent or even the knowledge of Congress or their ministers, vain must be every attempt to maintain a national character or national credit.

Congress under this apprehension passed the act of the first day of October, 1782, in a case similar to the present; and on the principles there established no credit can be given to the State of Mary-

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 105, and a copy of Morris's letter on folio 103.

land for any advance made as aforesaid: nor to any other State for advances which may be made by them without the allowance of the United States in Congress.

These facts, in the opinion of your committee, render it the duty of Congress, as guardian of the Confederation and of the equal rights of every part of the Federal Army to

Resolve, That the legislature of the State of Maryland be called upon to take into their most serious consideration the pernicious tendency of the measure complained of by the Superintendant of the Finances.

That the State of Maryland be therefore earnestly required to pay into the public treasury the Quota so appropriated for the use of the United States by their Legislature, that Congress may be enabled to do equal justice to the army and the rest of the public creditors by adhering to the systems which they have on great considerations adopted for the common good]¹

PRINCE TOWN July 28, 1783.

SIR,

The following report on an act of the Legislature of Virginia, entitled, "An Act directing the enlistment of Guards for the public prisons and stores," is submitted to the consideration of Congress.

That it would be inexpedient to order any of the Troops of the Virginia line, inlisted for three years, whose terms of service are not expired, to do the duty mentioned in the aforesaid act, as the definitive Treaty is hourly expected; for, after its arrival, as soon as the necessary arrangements can be made, should any Troops be kept in pay by the United States, they will probably be raised on a new establishment. Should Congress approve these sentiments, they will please to resolve,

That the number of troops proposed to be inlisted and maintained by Virginia, by an act of their Legislature of the 20th of June last, entitled an act directing the inlistment of Guards for the public prisons and stores, are not more, in the opinion of Congress, than are necessary to the end proposed, of guarding the public prisons and stores.²

¹ This report, on the letter of June 20 from the Superintendent of Finance, in the writing of James Madison, except the part in brackets, which is in that of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, IV, folio 411. It was delivered on this day and read, according to the indorsement. See *ante*, July 1, *note*.

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 99. The indorsement states that it was delivered on this day, entered and read.

Whereas, it is provided in the 6th Article of the Confederation, that no vessels of war shall be kept up in time of peace, by any state, except such number only, as shall be deemed necessary by the U. S. in Congress assembled for the defence of such state or its trade, and the delegates of the State of Virginia having applied to Congress for their approbation of two armed vessels being kept up by the said state, at its own expence for the purpose of securing her trade ~~from smugglers.~~

It is therefore Resolved, That the state of Virginia may keep up at its own expence, two armed vessels for the ~~security of her trade against smugglers~~ (defence of the trade of that state, provided that the same do not exceed the number of 14 guns, six pounders and 75 men each)

That the State of Virginia may keep up at its own expence to the number of 25 Privates with proper Officers to guard the public prisons and stores.¹

TUESDAY, JULY 29, 1783

Mr. Abiel Foster, a delegate for the State of New Hampshire, attended, and produced his credentials, by which it appears, that on the 18 day of February last, he was appointed a delegate to represent that State for one year from the date, unless sooner relieved, or recalled by the general assembly of the State.

STATE OF NEW HAMPSHIRE.

IN THE HOUSE OF REPRESENTATIVES

[Seal]

February 18th 1783.

Voted that the Hon^{ble} Abiel Foster Esq^r be and he hereby is appointed a Delegate to represent this State in the Continental Congress for the term of one year from the date unless sooner relieved or recalled by the General Assembly of this State, with all the Powers and Privileges which other Delegates from this

¹ This motion, in the writing of Arthur Lee, except the part in parenthesis, which is in the writing of Elias Boudinot, and the last paragraph, which is in that of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 195. According to the indorsement, it was made July 28, by the delegates of Virginia. See *post*, October 3.

State have heretofore had and enjoyed agreeably to the Confederation of the United States.

Sent up for Concurrence

JOHN DUDLEY *Speaker.*

In Council Feb^r 19th 1783, read and Concurred,

J. PEARSON *Dep. Sec^r*

A true Copy

Attest

JOSEPH PEARSON *Dep Sec^r¹*

Mr. S[amuel] Huntington and Mr. B[enjamin] Huntington, delegates for the State of Connecticut, attended, and took their seats in Congress.

Congress took into consideration a treaty of amity and commerce, concluded between the King of Sweden, and the United States of America, signed at Paris on the 3 day of April last, and the same was adopted and ratified, nine States being present, in the manner following:

THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED—

To all who shall see these presents, Greeting.

Whereas by our commission dated at Philadelphia, on the twenty-eighth day of September, 1782, the honourable Benjamin Franklin was invested with full powers, on the part of the United States of America, to concert and conclude with a person or persons equally empowered on the part of his Majesty the King of Sweden, a treaty of amity and commerce, having for its basis the most perfect equality, and for its object the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission: And whereas our said minister, in pursuance of his full powers, did, at Paris, on the third day of April, in the year of our Lord one thousand seven hundred and eighty-three, with Count Gustavus Philip de Creutz, minister plenipotentiary named for that

¹ The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

purpose, on the part of his Majesty the King of Sweden, conclude and sign a treaty of amity and commerce in the words following, to wit:

A Treaty of Amity and Commerce, concluded between his Majesty the King of Sweden, and the United States of North America.

The King of Sweden, of the Goths and Vandals, &c. &c. &c. and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states and subjects; his Majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interests and advantage of both nations, thereby avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, his Majesty the King of Sweden has nominated and appointed for his plenipotentiary Count Gustavus Philip de Creutz, his ambassador extraordinary to his Most Christian Majesty, and knight commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their minister plenipotentiary to his Most Christian Majesty: the said plenipotentiaries, after exchanging their full

powers, and after mature deliberation in consequence thereof, have agreed upon, concluded and signed the following articles:

ARTICLE I

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of his Majesty, and those of the said states, and between the countries, islands, cities and towns, situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the King, his heirs and successors, and the said United States.

ARTICLE II

The King and the United States engage mutually, not to grant hereafter any particular favour to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities and towns of the United States, or any of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing

from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

ARTICLE IV

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities and towns under the dominion of the King of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said Majesty, or in going to or from the same, from or to any part of the world whatever.

ARTICLE V

There shall be granted a full, perfect and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship; provided he submits so far as regards the publick demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

ARTICLE VI

The subjects of the contracting parties in the respective states may freely dispose of their goods and effects, either by testament, donation or otherwise, in favour of such persons as they may think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capital and effects which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigour. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

ARTICLE VII

All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports and havens of powers, enemies to both or either of the contracting parties, without being in any wise

molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make their merchandises free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the contracting parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

ARTICLE VIII

This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods:

ARTICLE IX

Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, [mortars,] bombs, petards, grenades, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions,

helmets, cuirasses, halberds, javelins, pistols, holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ARTICLE X

These which follow shall not be reckoned in the number of prohibited goods, that is to say; all sorts of cloths, and all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver, coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kind of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions, which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors and any parts of anchors, ship masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war, by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not, by any pretended interpretation, be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked or invested; and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

ARTICLE XI

In order to avoid and prevent on both sides, all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea letters or passports, expressing the name, property and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed, that the said vessels when loaded shall be provided not only with sea letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the ninth article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ARTICLE XII

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the seventh article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates abovementioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of mer-

chant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII

If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandises which shall have been found therein, which, by virtue of this present treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon

examination she be found to be loaded only with merchandises declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE XIV

It is likewise agreed, that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be publick: provided nevertheless, that if the said merchandises be contraband, it shall not in any wise be lawful to carry them afterward to a port belonging to the enemy.

ARTICLE XV

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party, or by privateers, all captains and commanders of ships of his Swedish Majesty, and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party; and if they act to

the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE XVI

For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

ARTICLE XVII

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels,

and in general, all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever of the other ally, on account of any military expedition, or any publick or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions and arrests made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

ARTICLE XVIII

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of the thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken

after the twenty-four hours; which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3. The prizes made in manner abovementioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

ARTICLE XIX

The ships of war of his Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes,

which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

ARTICLE XX

In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof; and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

ARTICLE XXI

When the subjects and inhabitants of the two parties, with their vessels, whether they be publick and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always, that they pay a reasonable price: and they shall not in any manner be detained or hindered from sailing out of

the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

ARTICLE XXII

In order to favour commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months, after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but, on the contrary, passports, which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

ARTICLE XXIII

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom

the said United States shall be at war. Nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque, for arming any vessel to cruise against the subjects of his Swedish Majesty, or any of them, or their property, from any prince or state whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXIV

The vessels of the subjects of either of the parties coming upon any of the coasts belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ARTICLE XXV

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage; and it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

ARTICLE XXVI

The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

ARTICLE XXVII

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereunto affixed their seals.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV : PHILIP, *Comte de Creutz*. [L. S.]

B. FRANKLIN. [L. S.]

SEPARATE ARTICLE

The King of Sweden and the United States of North America agree, that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification; and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV : PHILIP, *Comte de Creutz*. [L. S.]

B. FRANKLIN. [L. S.]

SEPARATE ARTICLES

ARTICLE I

His Swedish Majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of his said Majesty, and shall use his utmost endeavours to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE II

In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish Majesty, which shall be in the ports, havens or roads, or on the seas near to the countries, islands, cities and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III

If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case, the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case, the ships of war and frigates of either of

the powers shall protect and support the merchant ships of the other; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

ARTICLE IV

It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of his Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose; but they shall be at full liberty themselves to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

ARTICLE V

It is agreed, that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be

before lading, and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only, he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV : PHILIP, *Comte de Creutz*. [L. S.]

B. FRANKLIN. [L. S.]

Now be it known, That we, the said United States of America in Congress assembled, have accepted and approved, and do by these presents ratify and confirm the said treaty, and every article and clause thereof. And we do authorise and direct our minister plenipotentiary aforesaid to deliver this our act of ratification in exchange for the ratification of the said treaty by his Majesty the King of Sweden.

In testimony whereof we have caused our seal to be hereunto affixed. Witness his Excellency Elias Boudinot, President, this twenty-ninth day of July, one thousand

seven hundred and eighty-three, and of our sovereignty and independence, the eighth.¹

On motion of Mr. [James] Duane, seconded by Mr. [Samuel] Holten,

Resolved, That Dr. Franklin, minister plenipotentiary of these United States for concluding a treaty with the King of Sweden, be, and he hereby is instructed and fully empowered, to obtain amendments of the following inaccuracies in the commercial treaty with his said Majesty this day ratified, namely, United States of North America, for "United States of America," the counties of New Castle, Kent and Sussex on Delaware, for "Delaware;" and to enter into the necessary instruments and stipulations for that purpose.²

The committee, consisting of Mr. [Theodorick] Bland, Mr. [Stephen] Higginson and Mr. [James] McHenry, to whom was referred a report of the Superintendent of finance, on the last paragraph of the report of the committee under debate on the 11 instant, having reported the following resolution:

That they are of opinion that the expence of a publication expressive of the manner in which notes issued by the Sup^t of Finance are directed to be taken up, and the other arguments urged by the said Superin^t against such publication, ought not to come in competition with that General information proposed in the resolution of the 11th of July, which would place the original proprietors of said notes and the buyers thereof on equal ground, and therefore submit the following resolution:

¹ This translation of the treaty is taken from the printed Secret Journal, Foreign Affairs. The preamble and the last two paragraphs are also in the Public Journal.

The form of ratification, together with a form of a proclamation of the treaty, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 29, folio 323. According to the indorsement, and the record in Committee Book No. 186, it was the report of Mr. [James] Madison, Mr. [Stephen] Higginson and Mr. [Alexander] Hamilton, who were appointed a committee on June 18, to consider a letter of April 15, from Dr. Franklin, and the Treaty of Commerce with Sweden. The report was delivered July 24, entered and read. See *post*, September 25.

² This motion, undated, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, 1V, folio 415. This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

That the Superintendant of finance be directed forthwith to publish so much of his instructions to the receivers of the continental revenue, as relates to their being instructed and authorised to take all notes signed by the Superintendant of finance, in payment of the taxes; and also to take up all such notes whenever tendered, if they have public money in their hands.¹

A motion was made by Mr. [James] McHenry, seconded by Mr. [Hugh] Williamson, that the consideration of the foregoing report be postponed, in order to take up the following motion:

That the Superintendant of finance be directed to lay before Congress his instructions to the receivers of continental taxes in the United States, which direct the receipt of his notes or those of Mr. Hillegas, in payment of taxes, or the receiving the same in exchange for money.

And on the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Stephen] Higginson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Montgomery,	ay	} ay
<i>Massachusetts,</i>			Peters,	ay	}
Mr. Holten,	no	} no	<i>Maryland,</i>		
Higginson,	no	}	Mr. McHenry,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Bland,	no	} no
Howell,	no	}	A. Lee,	no	}
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	} div.	Mr. Hawkins,	ay	} ay
B. Huntington,	no	}	Williamson,	ay	}
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	} *	Mr. Izard,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	}
Mr. Boudinot,	ay	} no			
Clark,	no	}			
Condict,	no	}			

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, IV, folio 409.

So the question was lost.

A motion was then made by Mr. [Abraham] Clark, seconded by Mr. ~~Williamson~~ [David] Howell, after the words, "to take up such notes," to add, "as they become due."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Stephen] Higginson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Montgomery,	ay	} ay
<i>Massachusetts,</i>			Peters,	ay	}
Mr. Holten,	no	} no	<i>Maryland,</i>		
Higginson,	no	}	Mr. McHenry,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} div.	Mr. Bland,	ay	} ay
Howell,	ay	}	A. Lee,	ay	}
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	no	} no	Mr. Hawkins,	ay	} ay
B. Huntington,	no	}	Williamson,	ay	}
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	} *	Mr. Izard,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	}
Mr. Boudinot,	ay	}			
Clark,	ay	} ay			
Condict,	no	}			

So the question was lost.

The Committee [consisting of Mr. Arthur Lee, Mr. Stephen Higginson, and Mr. David Howell] to whom the copy of a letter from the Secy. at War to the Superintendant of Finances dated July 18th, 1783, with the Superintendant's answer of the 21st July beg leave to report,

That it does not appear to them proper, either in policy or œconomy to sell the Public Stores for which magazines were ordered to be erected in the State of Virginia, because it would leave a large part of these U. S. unprovided with arms, artillery and ammunition, and it is not probable that, at this time, any adequate price could be obtained for such articles.

That it seems to be indispensable to the public defence that magazines should be provided for the security and preservation of the said stores, and as the Superintendant of Finance has declared his

inability to furnish money for this necessary work, the committee ~~recommend~~ submit the following resolutions:

Resolved, That it be recommended to the Executive of the State of Virginia to supply the Secretary at War with five hundred pounds current money for immediate expenditure in erecting magazines for the military stores of the U. S. in the said State; and to deduct the said sum out of the quota ~~due from~~ of the State of Virginia on the Requisition of 1782.¹

WEDNESDAY, JULY 30, 1783

Congress resumed the consideration of the report ~~and resolution~~ of the committee which was under debate yesterday; and on motion of Mr. [Benjamin] Hawkins, seconded by Mr. [Theodorick] Bland, the farther consideration thereof being postponed,

A motion was made by Mr. [Benjamin] Hawkins, seconded by Mr. [Theodorick] Bland, in the words following:

The Superintendant of finance having reported to Congress, that the receivers in the several states have long since been instructed to take all notes signed by the Superintendant of finance, in payment of taxes; and also to take up all such notes whenever tendered, if they have public money in their hands;

Ordered, That the above be published.

A motion was made by Mr. [David] Howell, seconded by Mr. ~~Clark~~ [William] Ellery, to amend the above motion, by striking out the words, "ordered that the above be published," and in lieu thereof, inserting "*Resolved*, That the Superintendant of finance be directed to publish the purport of his instructions to the receivers of the continental taxes, authorising and directing them to receive notes issued by him in

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 27, folio 235. The indorsement states that it was delivered this day and read and the entry in Committee Book No. 186 shows that the committee was appointed July 28. The letter of the Secretary at War, dated July 28, is in No. 149, III, folio 95, and his correspondence with the Superintendent of Finance on folios 89-93.

payment of taxes, to the end that the holders of such notes be informed in what manner they may receive payment." And on the question to agree to this motion, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	
Mr. Holten,	no	} no	<i>Maryland,</i>		
Higginson,	no		Mr. McHenry,	no	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Bland,	ay	} ay
Howell,	ay		Lee,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	no	} no	Mr. Hawkins,	ay	} *
B. Huntington,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Izard,	ay	} div.
Mr. Duane,	no	} *	Beresford,	no	
<i>New Jersey,</i>					
Mr. Boudinot,	ay	} ay			
Clark,	ay				
Condict,	ay				

So the question was lost.

A motion was then made by Mr. [James] McHenry, seconded by Mr. [Richard] Peters, to postpone the main question, in order to take up the following motion:

Whereas it is alleged that the instructions given by the Superintendant of finance to the receivers of continental taxes in the several states, to take all notes signed by him in payment of taxes; and also to take up all such notes whenever tendered, if they have public money in their hands, are not generally known:

~~and that undue advantage is taken of the ignorance of the holders of such notes;~~

~~Therefore Resolved, That the Superintendant of Finance make such publication of said instructions as he may judge necessary, or such other publication as he may judge necessary to the end that the holders of such notes be informed in what manner they may receive payment.~~

Resolved, That the Superintendant of finance take order for the better information of the citizens of the several states, respecting the said notes:¹

On the question to ~~agree to~~ postpone for this, the yeas and nays being required by Mr. [Richard] Peters,

<i>New Hampshire</i> ,			<i>Pennsylvania</i> ,		
Mr. Foster,	no	} *	Mr. Montgomery,	ay	} ay
<i>Massachusetts</i> ,			Peters,	ay	} ay
Mr. Holten,	no	} no	<i>Maryland</i> ,		
Higginson,	no	} no	Mr. McHenry,	ay	} *
<i>Rhode Island</i> ,			<i>Virginia</i> ,		
Mr. Ellery,	no	} no	Mr. Bland.	no	} div.
Howell,	no	} no	Lee,	ay	} div.
<i>Connecticut</i> ,			<i>North Carolina</i> ,		
Mr. S. Huntington,	no	} no	Mr. Hawkins,	no	} *
B. Huntington,	no	} no	<i>South Carolina</i> ,		
<i>New York</i> ,			Mr. Izard,	no	} no
Mr. Duane,	no	} *	Beresford,	no	} no
<i>New Jersey</i> ,					
Mr. Boudinot,	ay	} ay			
Clark,	no	} ay			
Condict,	ay	} ay			

So the question was lost.

The main question being amended, was agreed to as follows:

[The Superintendant of finance having reported to Congress, "that the receivers in the several states have long since been instructed to take all notes signed by the Superintendant of finance in payment of taxes; and also to take up all such notes whenever tendered, if they have public money in their hands;"]

Ordered, That the Superintendant of finance be directed to publish the above information.]²

¹ This motion is in the *Papers of the Continental Congress*, No. 26, folio 451. The vote is indorsed on it.

² This order is in the *Papers of the Continental Congress*, No. 26, folio 449. The part in brackets was entered in the Journal by Benjamin Bankson, of the Secretary's office.

The Committee of the week [Mr. Samuel Holten, Mr. Richard Beresford, and Mr. Eleazer McComb] report that the letter from Caleb Child to the President be read in Congress.¹

Ordered, That a Report of the Superintendent of Finance relative to the Pay of the Army—Reasons why some were furloughed without receiving three months' Pay and means of redeeming Notes—made pursuant to the Resolution of the 11th be referred to Mr. [Theodorick] Bland, Mr. [Stephen] Higginson and Mr. [James] McHenry.²

¹ This report, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 78, VI, folio 190. Child's letter, dated Warren, June 1, 1783, and asking pay for property destroyed by the British, is on folio 187. According to the indorsement, it was read July 30, and ordered to lie on the table.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. According to the record in Committee Books, No. 186 and No. 191, a report was delivered August 25, and filed.

On this day, as the indorsement indicates, a letter of July 19 from Brigadier General Moses Hazen and Lieutenant Colonels Edward Antill and Joseph Torrey was read stating that they intend to present a full state of the Canadian refugees. It was referred to Mr. [James] Duane, Mr. [Ralph] Izard, and Mr. S[amuel] Huntington. It is in the *Papers of the Continental Congress*, No. 78, XII, folio 267.

Also, the petition of Captain Clement Gosselin on the subject. It was referred to the same committee. It is in No. 78, XII, folio 275.

On July 31, as the indorsement states, a letter of July 28 from the Superintendent of Finance, respecting the necessity of reducing expenses, etc., was read and referred to Mr. [James] Duane, Mr. A[rthur] Lee and Mr. S[amuel] Huntington. It is in No. 137, II, folio 689.

Also, on July 31, a letter of July 28 from the Superintendent of Finance inclosing the answer of the Paymaster General to the question why the furloughed troops do not receive their pay. It was referred to Mr. [Stephen] Higginson, Mr. [Richard] Peters and Mr. [Hugh] Williamson. According to Committee Book, No. 186, Mr. [Samuel] Holten was appointed in place of Higginson, and the committee was renewed December 18, when Mr. [Arthur] Lee and Mr. [George] Partridge went on the committee in place of Holten and Peters, and a report was delivered May 14, 1784. The Superintendent's letter is in No. 137, II, folio 693, and a copy of the letter of Joseph Pierce, Paymaster General, is on folio 717.

Also, on July 31 was read a letter, of July 11, from the General Court of Massachusetts. It is in No. 65, II, folio 185. According to the indorsement, and the record in Committee Books Nos. 186 and 191, it was referred to Mr. [James] Duane, Mr. A[rthur] Lee and Mr. S[amuel] Huntington. Their report, delivered September 2, was committed the same day to Mr. S[amuel] Huntington, Mr. [Elbridge] Gerry and Mr. [Abiel] Foster, who reported on September 8. The September 2 report was committed, on September 18, to Mr. [James] Madison, Mr. [John Francis] Mercer and Mr. [James] Duane, who delivered a report September 19. See *post*, September 19 and 25.

Also, on July 31, was read a resolution of the Virginia Assembly, dated June 17, 1783, authorizing an application to Congress for a sum not exceeding £750, to level the works at York and Gloucester. It was referred to Mr. [Jacob] Read, Mr. [William] Ellery, and Mr. [Hugh] Williamson. It is in No. 20, II, folio 313.

FRIDAY, AUGUST 1, 1783

A motion having been made yesterday by Mr. [Jacob] Read, seconded by Mr. [James] McHenry,

That on the ——— the President shall adjourn Congress, to meet at Philadelphia, on ——— there to continue until the last Monday in October next, at which time the President shall adjourn Congress, to meet at Annapolis on the Friday following, unless Congress shall before that time have determined otherwise.

On motion made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell, the foregoing motion being taken up, and the first blank being filled with the words, "*eighth day of August instant*," and the second blank with the words, "~~10th~~ *12th of August instant*." A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell, to strike out the words, "there to continue until the last Monday in October next, at which time the President shall adjourn Congress, to meet at Annapolis on the Friday following, unless Congress shall before that time have determined otherwise."

And on the question, shall those words stand? the yeas and nays being required by Mr. [James] McHenry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	} no
Mr. Holten,	no	} div.	<i>Maryland,</i>		
Higginson,	ay	} div.	Mr. McHenry,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Bland,	no	} div.
Howell,	no	} no	Lee,	ay	} div.
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	no	} no	Mr. Hawkins,	no	} div.
B. Huntington,	no	} no	Williamson,	ay	} div.
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	no	} *	Mr. Izard,	ay	} ay
<i>New Jersey,</i>			Read,	ay	} ay
Mr. Boudinot,	ay	} div.			
Clark,	no	} div.			

So the words were struck out.

On motion of Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

Ordered, That Wednesday next be assigned for the farther consideration of the motion.

On the report of a committee, consisting of Mr. [James] Duane, Mr. A[rthur] Lee and Mr. [Stephen] Higginson, to whom was referred a letter of 24 July, from Sir Guy Carleton, with sundry communications accompanying the same,

Resolved, That the President inform Sir Guy Carleton, commander in chief of the British forces at New York, that the United States in Congress assembled have considered the communications which he has been pleased to make in his letter of the 24 of July last, relative to certain persons suspected of forging and passing the notes issued from the office of finance of the United States:

That they presume his Excellency will give orders that such of the persons, subjects of any of these United States, as are or may be in custody, on a charge of having made or passed within any of the United States, counterfeits either of the notes or paper bills of the United States or any of them, shall be delivered up, together with the proofs which shall be collected against them, to be tried under the jurisdiction to whom the cognizance of their crimes belongs: that a guard shall attend at the time and place to be appointed by him, for the purpose of receiving and securing such of the criminals as falls under the above description: and that with regard to further inquiries, and to criminals who are not amenable to any of these United States, Congress have entire confidence that justice will be done, and such atrocious offenders brought to condign punishment.

Your committee further report that they have transmitted to the Superintendant of Finance the substance of Sir Guy Carleton's information for his guidance; and are of opinion that immediate information of the names and places of abode of the offenders men-

tioned in the said communications be transmitted to the executives of the States to which they respectively belong.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, AUGUST 4, 1783

Five states only attended, namely, Rhode Island, Connecticut, New Jersey, North Carolina and South Carolina; and from the State of New Hampshire Mr. [Abiel] Foster, from Massachusetts Mr. [Samuel] Holten; from Maryland Mr. [James] McHenry, and from the State of Virginia Mr. [John Francis] Mercer.

TUESDAY, AUGUST 5, 1783

The agent of marine, to whom was referred a resolution of the house of delegates of the State of Virginia of 26th of June, 1783, reported,

That although it is an object highly desirable, to establish a respectable marine, yet the situation of the public treasury renders it not advisable to purchase ships, for the present, nor until the several states shall grant such funds for the construction of ships, docks and naval arsenals, and for the support of the naval service, as shall enable the United States to establish their marine upon a permanent and respectable footing.²

Resolved, That Congress agree to the report.

The committee &c [Mr. John Rutledge, Mr. James Duane, Mr. James Madison, Mr. Samuel Osgood, Mr. John Montgomery appointed to revise and consider the instructions from Congress to Mr. Jay and to report if any and what alterations or additions should be made to them] report the following instructions:

R. That the Minister Plenipotentiary at the Court of Spain be instructed in case any propositions be made to him by the said Court

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, I, folio 533. The report delivered July 30, which was recommitted July 31, also in Duane's writing, is on folio 537.

² This report is in the *Papers of the Continental Congress*, No. 137, II, folio 725.

for a Treaty with the U. S. to decline acceding to the same until he shall have transmitted them to Congress for their approbation, unless the Treaty proposed be of such a tenor, as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the U. S. contained in the separate and secret article of their Treaty with his most Christian Majesty, ~~in which case he is to conclude such treaty on the first Requisition of his Catholick Majesty.~~

R. That Mr Jay be at liberty to leave Spain and go into any other part of Europe, whenever the state of his health may require it.¹

The Committee consisting of M^r FitzSimons & [Mr. Ralph Izard, Mr. Stephen Higginson, Mr. James Duane, Mr. James Madison] to whom &c submit the following Report,

Resolved, That the Superintendant of Finance be directed to lay before Congress an Estimate of the expence which will attend the establishment of a mint including Buildings, Tools, Salaries to officers, &c.²

The Superintendant of Finance to whom was referred the motion of the Hon^{ble} M^r Clarke begs leave to report.

That the Debts which have been found due to Persons by Settlements at the Treasury Office have not been Evidenced by transferable Certificates for the following Reasons:—

First. All such Certificates have by Experience been found to be only another kind of Paper Money continually depreciating both by Increase of Quantity and Defect of Funds.

Secondly. The Consequence thereof is that the same is daily brought into fewer Hands and for lesser Value by which one of two things must happen either that those few become very rich by their Speculations or that being defrauded they become Clamorous against the Government.

Thirdly. That if the Certificates are transferable in manner proposed by the motion they are Evidence of the Debt as due to the Bearer and therefore whether obtained by accident, force or fraud vest him with a Right to the prejudice of the injured or unfortunate Party.

Fourthly. That being therefore a precarious Property they become less valuable from that Circumstance.

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 25, II, folio 241. The indorsement shows that it was reported on this day. See *post*, September 29.

² This report, in the writing of Ralph Izard, is in the *Papers of the Continental Congress*, No. 26, folio 453. The indorsement states that it was delivered on this day, entered and read.

Fifthly. That when the original Proprietors become divested of them some of the Reasons in favor of Revenues to redeem them lose of their force and the advocates for Just Measures being lessened the Probability of carrying them thro' is decreased—and

Sixthly. That while the Evidence of such Debts is in the Treasury Books and the Stock transferable there the public Debt becomes a property, the object of Purchase instead of being as in the other Case the means of making Purchases as money.

But if there be powerful Reasons in favor of the motion which have escaped him he shall very readily comply with such order as to the wisdom of Congress may seem meet.

OFFICE OF FINANCE, *31 July 1783*.¹

The Superintendant of Finance, to whom was referred the Letter from Major General Greene of the tenth day of last month, respecting the accounts of Col. Kosciusko, begs leave to report,

That in the Latter End of the year 1781, it appearing that sundry Foreigners who had served in the armies of the United States had not only been in the same situation as to arrearages of Pay with those who were Citizens of the United States, but labored under the additional Disadvantage of not having any means by which to obtain a Recompence for the Depreciation of Pay actually received. The Rule was adopted to settle the accounts of such as should apply for that purpose up to the End of the year 1781 to pay one fifth of the Ballance in Lieu of Depreciation, and to place the remaining four fifths on Interest.

That this Rule has hitherto been adhered to and been found satisfactory. That is to say, it has appeared to be an equitable means of placing them on an equal footing with their Brethren who were Citizens of the United States.

That Experience has demonstrated that nothing but a strict adherence to general Rules can prevent those Complaints of Injustice which the want of Pay to the Army in general has given but too much Ground for and which can alone be repressed by a Conviction that the public have not ability to Discharge the whole and that there is an inviolable Determination of Government to make proportionate Distribution of what may be within their ability.

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 739. According to the indorsement, and to the entries in Committee Books No. 186 and No. 191, it was delivered August 5, entered and read; and, on January 6, 1784, referred to Mr. [Elbridge] Gerry, Mr. [William] Ellery and Mr. [Hugh] Williamson. See *ante*, April 25, 1783, and *post*, April 15, 1784.

That the merit of Col. Kosciusko is great and acknowledged, his Talents brilliant, his zeal unquestionable, and of Consequence his application must be placed among those which are not to be declined unless for the most cogent Reasons and even insurmountable obstacles. But that if it be complied with other officers of Merit Talents and Zeal will doubtless make similar applications.

That it is the Exclusive Privilege of the Sovereign with discerning Eye to mark and distinguish the Degrees of Activity Knowledge and Enthusiasm which their Different Servants are endowed with.

That it is equally their privilege to declare the Rewards to be bestowed on the most eminent, But that in Claims for Justice, all must stand on equal Ground, and distressed as they are will naturally conceive that the duties of Justice must preceed those of Generosity.

OFFICE OF FINANCE, 1 August, 1783.¹

The Superintendant of Finance, to whom was referred so much of a Letter of the thirtieth of June from President Weare as relates to the appointment of a loan officer and granting Certificates for Interest due on Loan Office Certificates, begs Leave to report,

That the former Part of the Plan can be necessary only in Consequence of adopting the Latter, and is objectionable because it tends to increase the number of the civil list; because it tends to multiply the public accounts, and thereby to create a necessity for the appointment of Commissioners at a future Period to liquidate those accounts; and because it will keep the public Debts separate distinct and divided so as to prevent that clear and comprehensive View which Congress ought to have in order that they may give regular Information thereon to the several States.

That the latter Part of the Plan is also objectionable because that by issuing such Certificates the necessity of immediate Taxation is taken away. The Certificates will naturally depreciate and of Course induce a Charge of Injustice and the various Collectors will have an opportunity of making very improper Speculations because that being at Liberty to make Collections and render accounts as they please, and not like the continental Receivers held to Monthly Publications, they can always collect money and purchase the Certificates at a Discount which Discount is greater according to the necessities

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 743. According to the indorsement, and to Committee Book No. 191, it was delivered on this day, entered, read and filed. Greene's letter is in No. 137, II, folio 747, and according to Committee Book No. 186, it was referred on July 26.

of the party and the probability of Delay. That the Collectors therefore are enabled by neglecting their duty to increase the Discount and afterwards to take advantage thereof.

That in addition to these general Inconveniences attending the measure are certain particular Evils which result from the Law transmitted, by which Law it appears that from one general Tax is to be collected the sum of fifty five thousand Pounds New Hampshire Currency out of which twenty four thousand Pounds like money is appropriated to the current Service of the United States.

The Remainder except the Sum for Interest on Loan Office Certificates is already made payable by Certificates for Interest on the State Securities and orders drawn on the Treasurer; if therefore the proposed measure be adopted more than one half of the Tax ordered will be payable in different Certificates and orders which being receivable in Taxes and not payable at any particular Day named nor from any certain fund must necessarily depreciate in a duplicate Proportion depending on the Increase of quantity and the Dilatoriness of Collections. That of Consequence whatever Tax may be really collected will be only in such Paper and nothing can come in to supply the public Treasury of the Union.

That the only Reason which can be assigned for such Issues of Paper must be the want of Specie to defray the Expence of the Tax, but such Reason can have no weight if properly considered, because with the Citizens who have Specie the Reason cannot exist and those who have not Specie must either purchase that or Paper in either Case, and as this can only be by their Property or Services they must be indifferent which is payable unless the same Property or Service will produce more paper than Specie. In other words such measures have the direct Tendancy to pay the Sum specified with only a Part of its value.

That notwithstanding what has been said there are also Reasons in favor of the two things proposed: Because untill the States will by real Revenue enable Congress to bring their whole debt into a Regular and manageable System the Loan Offices must continue to be a necessary present Evil and a future Source of Confusion; and because the States in the Confidence of their own separate Sovereignty and regardless of the general Government will as long as they please continue to make nominal instead of actual Payments.

That if Congress should agree to the proposals from New Hampshire it might be prudent to stipulate for a Payment of such Certificates or orders by the Governor to the Continental Receiver for the amount

of the twenty four thousand Pounds already mentioned and that such Certificates should be payable by the Treasurer at a Day to be named if not sooner negotiated by the Receiver. In which case the Receiver might be instructed to exchange such Certificates or orders (if possible) for notes issued from the office of Finance.

OFFICE OF FINANCE 1st August 1783.¹

WEDNESDAY, AUGUST 6, 1783

On the report of a committee, consisting of Mr. [Richard] Peters, Mr. [Abraham] Clark and Mr. [James] Duane, to whom was referred a memorial of Kelelamund, alias John Killbuck, an Indian chief:

Resolved, That the memorial of Kelelamund, alias John Killbuck, be referred to the Superintendant of finance and Secretary at War, who are hereby directed to take order for supplying this faithful Indian ~~under the protection of the garrison at Fort Pitt~~ and his family, and other friendly Indians at Fort Pitt, with cloathing and necessaries; and whensoever it shall be agreeable to Kelelamund and his family to remove into the Indian country, the Secretary at War is hereby directed to ~~furnish~~ order provisions, and other necessary supplies for their journey, and a guard for their protection, if the same shall be necessary.

That the Secretary at War be, and he is hereby directed to enquire into the numbers and wants of the ~~faithful and~~ friendly Indians of the Oneida, Tuscarora and other northern nations, and in conjunction with the Superintendant, to afford them such supplies of cloathing out of the stock of that article now on hand, as in the opinion of the Superin-

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 761^a. The indorsement states that it was delivered this day and referred to Mr. [Theodorick] Bland, Mr. [Hugh] Williamson and Mr. [Richard] Beresford. According to Committee Book No. 186, this committee delivered a report August 15. See *post*, August 18, and September 4 and 23.

On this day, according to the indorsement, was read a letter of August 1, from the Superintendent of Finance, enclosing an account of payments made by the states on the requisition of \$8,000,000 for the service of 1782. It is in No. 137, II, folio 751.

tendant of finance and Secretary at War, shall be deemed sufficient ~~to provide them~~ for their necessities during the approaching winter. And the Secretary at War is hereby further directed, to cause such articles in the quartermaster general's department, as shall be useful to the said Indians, to be delivered to them, and also a sufficient number and quantity of arms, powder and lead, to enable them to procure their usual subsistence by hunting.

Ordered, That the Secretary at War convey to Kelelamund, and the chiefs of the Oneidas, Tuscaroras, and other northern nations, the just estimation in which Congress continue to hold their fidelity and attachment to the United States, through all the vicissitudes of the late war.¹

THURSDAY, AUGUST 7, 1783

Mr. [Daniel] Carroll, a delegate for Maryland, and Mr. [Ezra] L'Hommedieu, a delegate for New York, attended, and took their seats in Congress.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Jacob] Read, in the words following:

The Commander in Chief having been requested to attend Congress as soon as he shall return from the northward, by a resolution of the 26 July,

Resolved, That a committee be appointed to confer with him on the peace arrangement; and that they be instructed to report the proper manner of receiving him.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone the consideration of the motion, in order to take up the following, viz. That a

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 30, folio 357.

On this day, as the indorsement indicates, was read the memorial of Philip Dejean, formerly Judge of Detroit, dated Princeton, August 6, 1783, and referred with the report of the committee of the week to Mr. [Richard] Peters, Mr. [Theodorick] Bland and Mr. [James] Duane. On August 8, 1783, the indorsement states, it was referred to the Secretary at War. It is in No. 41, II, folio 505.

Also, a letter of August 6 from the Secretary at War. It was referred to the same committee. It is in No. 149, III, folio 109.

committee be appointed to consider and report what measures are proper to be adopted by Congress with respect to the reception of the Commander in Chief, on his arrival at Congress.

And on the question to agree to postpone for the above purpose, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Wilson,	ay	}
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Holten,	ay	}	Peters,	ay	
Higginson,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	no	}
Mr. Ellery,	ay	}	McHenry,	no	
Howell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Bland,	ay	}
Mr. S. Huntington,	ay	}	A. Lee,	ay	
B. Huntington,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	}	Mr. Hawkins,	no	}
L'Hommedieu,	ay		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	}	Mr. Izard,	no	}
Clark,	no		Read,	no	
Condict,	no		Beresford,	ay	

So the question was lost.

A division of the main question being called for, and on the question to agree to the first part, as far as the words "peace arrangement," inclusive, the yeas and nays being required by Mr. ~~Howell~~ [William] Ellery,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	no	}	Mr. S. Huntington,	ay	}
<i>Massachusetts,</i>			B. Huntington,	ay	
Mr. Holten,	no	}	<i>New York,</i>		
Higginson,	no		Mr. Duane,	ay	}
<i>Rhode Island,</i>			L'Hommedieu,	ay	
Mr. Ellery,	no	}			
Howell,	no				

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	ay	} ay	Mr. Bland,	no	} ay
Clark,	ay		A. Lee,	ay	
Condict,	ay		Mercer,	ay	
<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Fitzsimmons,	ay	} ay	Mr. Hawkins,	ay	} ay
Wilson,	ay		Williamson,	ay	
Montgomery,	ay		<i>South Carolina,</i>		
Peters,	ay		Mr. Izard,	ay	} ay
<i>Maryland,</i>			Read,	ay	
Mr. Carroll,	ay	} ay	Beresford,	ay	
McHenry,	ay				

So it was resolved in the affirmative.

The latter part of the motion being agreed to, it was resolved as follows:

The Commander in Chief having been requested to attend Congress as soon as he shall return from the northward, by a resolution of the 26 July,

Resolved, That a committee be appointed to confer with him on the peace arrangement; and that they be instructed to report the proper manner of receiving him.

Ordered, That the committee consist of five members.

On motion of Mr. A[rthur] Lee, seconded by Mr. [Theodorick] Bland,

Resolved (unanimously, ten states being present) That an equestrian statue of General Washington, be erected at the place where the residence of Congress shall be established.

~~Congress took into consideration~~ On the report of a committee, consisting of Mr. A[rthur] Lee, Mr. [Oliver] Ellsworth and Mr. [Thomas] Miffin, appointed to prepare a plan of an equestrian statue of the Commander in Chief,

Resolved, 'That the statue be of bronze: The General to be represented in a Roman dress, holding a truncheon in his right hand ~~in the other hand bearing a wreath of laurel,~~ [and his head encircled with a laurel wreath]. The statue to be

¹ The entry in the Journal for the balance of this day was made by Henry Remsen, Jun., of the Secretary's office.

supported by a marble pedestal, on ~~the four faces of~~ which are to be represented, in basso relievo, the ~~four~~ [following] principal events of the war, in which General Washington commanded in person, viz. The evacuation of Boston—the capture of the Hessians at Trenton—[the battle of Princeton]—the action of Monmouth, and the surrender of York. On the upper part of the front of the pedestal, to be engraved as follows: The United States in Congress assembled ordered this statue to be erected in the year of our Lord 1783, in honor of George Washington, ~~Esquire~~ the illustrious Commander in Chief of ~~their~~ the Armies [of the United States of America], during the war which vindicated and secured their Liberty, Sovereignty and Independence.

Resolved, That a statue conformable to the above plan, be executed by the best artist in ~~Paris~~ [Europe], under the superintendence of the Minister of the United States at the Court of Versailles; and that ~~the Treasurer furnish~~ money to defray the expence of the same, [be furnished from the treasury of the United States].

Resolved, That the secretary ~~for Foreign Affairs~~ [of Congress] transmit to the Minister of the United States at the Court of Versailles, the best resemblance ~~of the face and person~~ of General Washington that can be procured, for the purpose of ~~executing the above statue~~ [having the above statue erected]; together with the fittest description of the events, which are to be the subject of the basso relievo.¹

FRIDAY, AUGUST 8, 1783

~~On the report of the committee, consisting of Mr. Holten, Mr. Wilson, Mr. Carroll, Mr. S. Huntington~~

¹ This report, in the writing of Arthur Lee, except the words in brackets, which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 441. According to the indorsement, it was delivered May 8, entered and read. See *ante*, May 6.

On this day, as the indorsement indicates, was read a letter of August 7 from the Secretary at War. It is in No. 149, III, folio 115.

~~and Mr. Duane, appointed to confer with the Commander in Chief and to report the proper manner of receiving him, Resolved~~

Ordered, That Colonel G. Morgan be, and he is hereby authorised, to engage a house for the accommodation of the Commander in Chief, during his attendance on Congress.¹

The Committee of the week [Mr. Theodorick Bland, Mr. John Francis Mercer and Mr. Stephen Higginson] report,

That the Memorial of P. Dejean be referred to the Secretary at War, to take order so far as relates to granting a protection to M^{rs} Dejean, and a permit for her to dispose of his property, and a passport for her and her family and that the said Secretary at War receive from the said Dejean such information as he can give relative to the Indian nations in the Western and North Western Frontiers and report the same to Congress.²

SATURDAY, AUGUST 9, 1783

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Arthur] Lee,

Resolved, That the Secretary at War be directed to grant furloughs to the troops in Maryland and Virginia.³

On the report of a committee, consisting of Mr. [James] Duane, Mr. [Ralph] Izard and Mr. [Samuel] Huntington, to whom were referred a petition of Captain Clement Gosselin, in behalf of the officers, Canadians and other refugees, residing at Fish-kill, in the State of New York, to the number

¹ From this point the entries in the Journal are by George Bond.

² This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, II, folio 43. The indorsement and the record in Committee Books No. 186 and No. 191 indicate that Dejean's memorial was referred to a special committee August 6, who returned this report, August 8. See *ante* August 6, *note*, and *post*, August 9.

On this day, as the indorsement states, was read a letter of August 6, from the Superintendent of Finance, inclosing a letter of July 30 from J. Pierce, Paymaster General, and answer to questions relative to pay of the army. It is in No. 137, II, folio 771, and a copy of Pierce's letter is on folio 777.

Also, a letter of August 8 from the Secretary at War. It is in No. 149, III, folio 119.

³ This motion, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 36, II, folio 199.

of eighty men and women, besides children; and the letter from Brigadier General Hazen and others;

That the case of the petitioners formerly inhabitants of Canada deserves the attention of Congress; that it is truly represented in their favor that they have left their Country their Friends and their Substance in support of the Liberties and rights of America; that they were encouraged by assurances of protection, and a prospect of Liberty, to take up arms in the Common Cause; that they have persevered thro' all the dangers and difficulties of a distressing war until it has happily terminated in the establishment of the Peace and Independence of the United States; that they nevertheless remain exiles from their native country, without any security from treaty, any stipulation for their return, or any means for their subsistence; and that their merit and distresses call upon the United States, to whose security their efforts have contributed, for a suitable provision.

That, under these circumstances, your Committee are only withheld, by the present exhausted state of the publick Finances, from recommending such a provision to be made for these unfortunate people as would afford them immediate relief, and would lay a foundation for the comfortable establishment of their families in future.

For the present your Committee submit the following resolutions:

Resolved, That it be, and is hereby recommended to the State of New York, to receive the officers and men under the above description, agreeably to the prayer of their petition, as citizens of the said State.

~~And to grant them such lands and aids as the legislature of the said State may in their wisdom think fit.¹~~

Resolved, That the officers of the regiment lately commanded by Brigadier General Hazen, who at the commencement of the war, were inhabitants of Canada, shall continue to receive their former subsistence, until the further order of Congress: and that each of the men, women and children, referred to in the petition of the said officers, shall respectively

¹ In Elias Boudinot's hand is the following:

~~A motion for amendment not put; and that they be further recommended to the benevolence of the State of N. Y. to grant them such aids as they in their wisdom may think fit.~~

receive a ration per day for their subsistence, until such further order.

Resolved, That the commissioner appointed to settle the public accounts for the State of New York, be authorised and directed to settle the claims for advances represented to have been made by the said officers, for the use of the United States, and report the same to Congress.¹

PRINCETON Aug^t 9, 1783.

SIR

On the memorial of Philip Dejean I beg leave to submit the following report:

That as the United States are not now in possession of Detroit and the adjacent country, no letters going from them to the commanding officer can be binding on him, nor is it probable they would avail M^rs Dejean. When we shall be in possession of that country, I cannot conceive that there will be any objections to his making sale of his estate there and removing it to Maryland, where he intends, by leave of the State, to become a citizen. Nor do I think when such an event shall have taken place that he will need any other passport or protection for M^rs Dejean than what the Governour can give him.

He appears to have had a good knowledge of the country about Detroit and its neighboring rivers and Lakes, but as he has been absent from it for about four years he can give but little or no information of the present temper of the inhabitants.²

MONDAY, AUGUST 11, 1783

On motion of Mr. [Abraham] Clark, seconded by Mr. [Samuel] Holten, Congress came to the following resolution:

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 22, folio 219. According to the indorsement, it was delivered August 6, entered and read.

² This report, from the Secretary at war, is in the *Papers of the Continental Congress*, No. 149, III, folio 127. According to the indorsement it was read on this day.

On this day, as the indorsement indicates, a letter of August 8 from the Secretary at War, recommending promotion of Colonel Kosciuszko to the rank of brigadier general, was read and referred to Mr. [Richard] Peters, Mr. [James] McHenry and Mr. [James] Duane. It is in No. 149, III, folio 123.

Also, as shown by the indorsement, a petition from John Irwin, late Deputy Commissary General of Issues for the Western Department, was read, and referred to Mr. [Theodorick] Bland, Mr. [John Francis] Mercer and Mr. [Stephen] Higginson. It is dated Philadelphia, August 6th, 1783, and is in No. 42, IV, folio 66.

Congress having been informed by the communication of a letter from the paymaster general, that he hath not been able to obtain the accounts of issues necessary for settling the accounts of the army, though he hath repeatedly requested the same from the head of the issuing department,

Resolved, That Charles Stewart, late commissary general of issues, be directed immediately to furnish the paymaster general with the accounts of issues to the several officers, in order that their accounts may be speedily settled and adjusted.¹

On motion of Mr. [David] Howell, seconded by Mr. [Arthur] Lee,

Resolved, That the Superintendent of finance be directed to report as soon as may be, on the letters of the 16th and 18th of June last, from the commissioner for settling the accounts between the United States and the State of Pennsylvania, referred to the said Superintendent: [and that he also report a copy of such instructions, as have heretofore been given from his office, to the commissioners for settling the accounts between the United States and each particular State].²

On report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [John Francis] Mercer, and Mr. [Stephen] Higginson, to whom was referred a petition of John Irwin, late deputy commissary of issues,

The Committee to whom was referred the petition of John Irving Esq. with the papers accompanying it beg leave to Report,

That in their opinion those persons who have been entrusted with the expenditure of public monies or public stores, cannot be permitted to discharge themselves therefrom but by exhibiting regular accounts and vouchers to the proper officers, without introducing great confusion and endangering the systems which have been formed for the

¹ This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, II, folio 203.

² This motion, in the writing of David Howell, except the part in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 197.

settlement of the public accounts. Nor will it be proper to pay to such persons the balances that may appear to be due to them on account of their pay, until they shall settle with the proper officers all their accounts with the public.

The following resolution is submitted,

Resolved, That the prayer of the petition from John Irwin, Esq^r, late deputy commissary [general] of issues for the western department, "that certificates may issue for the balance of pay due to himself and his assistants," cannot be granted until all their accounts with the public shall be finally settled by the proper officers.¹

The Committee consisting of [Mr. Hugh Williamson, Mr. Ralph Izard and Mr. Abraham Clark], to whom was referred an application from the President respecting the present deranged state of his household, submit the following report,

That as it is inexpedient for the President to keep more than one house at the public expence, *such house should be near the place where Congress sits*, [and that he write to the superintendant of Finance to give up the House in which the President lately lived in Philadelphia]²

The Committee [consisting of Mr. Abraham Clark, Mr. Richard Peters, Mr. Theodorick Bland] to whom was referred a letter from the Secretary at War of the 16th of April 1783, enclosing a letter from the Paymaster General, report,

That, the pay ~~and emoluments~~ of each of the two Deputy Paymasters General, the one with the main, and the other with the Southern Army be ~~the same as that of a Lieutenant Colonel~~ settled at seventy five dollars p^r month while in service, together with the usual allowance for a servant, the said pay ~~and emoluments~~ to com-

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 19, III, folio 247.

² This report, in the writing of Hugh Williamson, except the part in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 23, folio 357. The indorsement states that it was read this day and August 14 "postponed *sine die*." The following, in the writing of James McHenry, is on folios 359 and 361:

"*Resolved*, That the President take a house proper for his accommodation till Congress can be informed of the rent of the President's house in Philadelphia, and the time for which it is engaged."

The President's letter, dated July 21, is in No. 59, III, folio 59. According to the indorsement and to the entry in Committee Book No. 186, the committee was appointed on July 31, and on August 14, the letter was referred to the President to take order.

mence from the times of their respective appointment. And that the pay of the officer employed as deputy paymaster general at Pittsburgh for the time he hath been or may be employed in that service be ten dollars p^r month over and above his pay in the line of the Army.¹

TUESDAY, AUGUST 12, 1783

On report of a committee, consisting of Mr. [Stephen] Higginson, Mr. [Abraham] Clark and Mr. [Jacob] Read, to whom was referred an address from the inhabitants of New Brunswick and its vicinity:

Resolved, That the President inform the inhabitants of New Brunswick and its vicinity, that Congress with pleasure

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 27, folio 249. It was delivered July 18 and read, according to the indorsement, and on this day debated and recommitted to the same committee, who brought in the report as corrected above October 7, as the indorsement shows. It is in the writing of Abraham Clark and is on folio 247.

On this day, according to the indorsement, was read a letter dated Saratoga, July 29, from General Schuyler on Indian Affairs. It was referred to Mr. [James] Duane, Mr. [Richard] Peters and Mr. [Daniel] Carroll. On August 19, Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee were added. Schuyler's letter is in No. 153, III, folio 601. According to Committee Books No. 186 and No. 191, a report on this and other letters and papers relating to Indian affairs, which were subsequently referred to the same committee, was delivered September 19, and acted upon, October 14.

Also, a letter of August 6 from General Washington, relative to his "tour to the northward," and his attendance on Congress at Princeton. It is in No. 152, XI, folio 413. It is printed in the *Writings of Washington* (Ford) X, 290.

Also, another letter, of August 6, from General Washington, which is on folio 419. As shown by the indorsement, and by the record in Committee Books 186 and 191, this letter, on "his tour to the northward," was referred on this day to a committee of five, appointed August 7 "to confer with the Commander in Chief on the peace arrangement and to report the proper manner of receiving him." The members of this committee were Mr. [Samuel] Holten, Mr. [James] Wilson, Mr. [Daniel] Carroll, Mr. S[amuel] Huntington and Mr. [James] Duane. On September 10 they rendered a report, consisting of the "observations of the General on the peace arrangement," and were discharged, Washington's letter, of August 6, and instructions to Baron Steuben, being committed on that day to Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee. Washington's letter is printed in the *Writings of Washington* (Ford) X, 292.

An address of August 4 from inhabitants of New Brunswick offering to submit to the jurisdiction of Congress in case they think proper to make their permanent residence at that place was referred on this day to Mr. [Stephen] Higginson, Mr. [Abraham] Clark and Mr. [Jacob] Read. It is in No. 46, folios 95-99.

receive their congratulations on the glorious and happy ~~termination~~ success of the war, are obliged by the affection and respect for the federal government, expressed in their address, and highly approve their patriotic disposition to promote order, harmony and peace throughout the United States.¹

The committee, consisting of Mr. [James] McHenry, Mr. [Hugh] Williamson and Mr. [Abraham] Clark, to whom was referred a petition of Dr. Dirk Van Ingen, praying that depreciation may be allowed him in the settlement of his account, report,

That as Dr. Van Ingen, who served for some years as surgeon, in the continental hospital, appears by his petition to have ~~resigned or to have been left out of position~~ been reduced as a supernumerary before the 10th of April, 1780, ~~depreciation, therefore, cannot be allowed him without departing from the rule hitherto adopted and opening an account which may occasion much trouble and be a precedent for a variety of claims of officers in different departments; and as no depreciation to officers in every department has been allowed to officers who left the service before that period, has been constantly refused,~~ Dr. Van Ingen's claim cannot be admitted without infringement of the rule established by Congress.²

Resolved, That Congress agree to the said report.

On motion of Mr. [James] McHenry, seconded by Mr. [Daniel] Carroll,

Resolved, That the consideration of the report of a committee, to whom was referred a letter of the 20th of June last, from the Superintendent of finance, with the papers enclosed,

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 20, I, folio 290.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 109. According to the indorsement, it was delivered July 23, read and entered.

relative to certain proceedings of the State of Maryland, be postponed, that the delegates from Maryland may have an opportunity to receive information from the legislature, respecting the subject matter thereof.

The Committee of the week [Mr. Ezra L'Hommedieu, Mr. Abiel Foster and Mr. James Wilson] to whom was referred the letter from Walter Finney to the Secretary at War with the account of the said Walter Finney against the United States report that the same be committed to a special Committee.¹

[Motion of Mr. Hugh Williamson seconded by Mr. Richard Peters, August 12, 1783, referred to Mr. Hugh Williamson, Mr. James Wilson, Mr. Ralph Izard, Mr. James Duane, Mr. Daniel Carroll.]

Whereas it has been represented that sundry persons ~~have lately settled and many others~~ are preparing to settle upon lands within the U. S. which have not been purchased from the Indian natives by which ~~many disorders are threatened~~ proceedings the present frontier inhabitants must be greatly endangered and the U. S. may be involved in a fruitless war.

Resolved, That all persons of whatever description be strictly enjoined against making purchases of or settlement on lands claimed by Indians or receiving any cession or gift of lands from any nation of Indians situate and being without the bounds of any particular state till the further order of Congress shall be known.²

PRINCETOWN July 24, 1783.

SIR,

On the motion of Colonel Hamilton referred to me I beg leave to submit the following report,

That Congress on the 24th of November, 1778, gave to their Supernumerary Officers, who were deranged by a reform of the army, which had just taken place, one year's pay and recommended them to their several States to make such farther provision for them as their respective circumstances and merits entitled them to.

¹ This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, II, folio 269. The indorsement states that it was passed this day. According to Committee Book No. 186, the members of the committee were Mr. [Richard] Peters, Mr. [Arthur] Lee and Mr. [Benjamin] Hawkins, and they delivered a report September 5.

² This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 205.

That when the mustering department was discontinued, and the officers thereof discharged, on the 12th of Jan^y, 1780, Congress gave also to those officers one year's pay. On the 10 of April following Congress resolved to make good the depreciation of the Continental bills to all officers who were then in service. As the provision in this Resolve does not include the officers who had served in the mustering department, nor the resolves of the 17th Aug^t 1779 the officers who had been deranged and left out of the line of the army—I beg leave to suggest if Congress should think proper to make provision for the depreciation of the pay of the officers who were lately employed in the mustering department, that the resolve should be so drawn as to embrace all officers whose claims to depreciation have the same foundation.¹

WEDNESDAY, AUGUST 13, 1783

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery,

That the resolution passed yesterday, in answer to the address of the inhabitants of New Brunswick and its vicinity, be re-considered, in order to strike out the word "government" following the word federal, and to insert in its stead, the word "union."² And on the question for re-considering, the yeas and nays being required by Mr. [David] Howell,

¹ This report, from the Secretary at War, is in the *Papers of the Continental Congress*, No. 149, III, folio 85. According to the indorsement, it was delivered July 26, entered, read; and, on August 12, debated and Hamilton's motion negatived. See *ante* July 18.

On this day, according to the indorsement, was read a letter of Ebenezer Allen, dated August 12, on the disposition of Indian Nations for peace. It was referred to Mr. [James] Duane, Mr. [Richard] Peters, and Mr. [Daniel] Carroll, and, apparently on August 19 Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee were added. It is in No. 78, I, folio 433. According to Committee Books, No. 186 and No. 191, a report was made on September 19 and acted upon, October 14.

Also, a letter of August 12 from the Secretary of Congress, enclosing a copy of the treaty with Sweden, and the last report of the committee on the peace arrangement. It is in No. 49, folio 461.

² This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 207.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Wilson,	no	}
<i>Massachusetts,</i>			Montgomery,	no	} no
Mr. Holten,	ay	}	Peters,	no	}
Higginson,	no	} div.	<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	no	}
Mr. Ellery,	ay	}	McHenry,	no	} no
Howell,	ay	} ay	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Bland,	no	}
Mr. S. Huntington,	no	}	Lee,	ay	} div.
B. Huntington,	no	} no	<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	}
Mr. Duane,	no	}	Williamson,	no	} no
L'Hommedieu,	no	} no	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Izard,	no	}
Mr. Boudinot,	no	}	Read,	no	} no
Clark,	no	} no	Beresford,	no	}
Condict,	no	}			

So it passed in the negative.

The committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Wilson, Mr. [Ralph] Izard, Mr. [James] Duane and Mr. [Daniel] Carroll, to whom was referred a motion of Mr. [Hugh] Williamson, reported the draught of "An Ordinance prohibiting the settlement and purchase of certain lands," which was read a first time:

The Committee [Mr. Hugh Williamson, Mr. James Wilson, Mr. Ralph Izard, Mr. James Duane and Mr. Daniel Carroll] to whom was referred the motion of Mr [Hugh] Williamson of the 12th of this month beg leave to report the following form of an Ordinance:

AN ORDINANCE PROHIBITING THE SETTLEMENT AND PURCHASE
OF CERTAIN LANDS.

~~Whereas it has been represented that sundry persons are preparing to settle upon lands within the U. S. which have not been purchased from the Indian nations by which proceedings the present frontier Inhabitants must be greatly endangered and the U. S. may be involved in War.~~

Be it ordained by the United States in Congress assembled and it is hereby ordained by the authority of the same that all persons be and they are hereby prohibited from making settlements on lands

within the United States and without the boundaries of any particular State and from purchasing or receiving any gift or cession of such lands from the Indians.

And be it further ordained by the authority aforesaid that every such purchase, gift or cession shall be null and void and that no right or title shall accrue in consequence of any such settlement

The Committee beg leave further to report that a proclamation be issued conformably to the foregoing ordinance.¹

Ordered, That Friday next be assigned for a second reading of the said Ordinance.

Agreeable to the order of the day, Congress took into consideration a motion made by Mr. [David] Howell, seconded by Mr. [Theodorick] Bland, in the words following: "*Resolved*, That on the 15th instant the President adjourn Congress, to meet at Philadelphia, on the 21st instant."²

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Daniel] Carroll, to postpone the consideration of the foregoing motion, in order to take up the following:

"Whereas the resolution of Saturday the 21st day of June last, enabling the President to summon Congress to meet at Trenton or Princeton, on Thursday then next following, had for its object, that further and more effectual measures might be taken for suppressing the then existing revolt of certain troops of the Pennsylvania line, and maintaining the dignity and authority of the United States: And whereas it

¹ This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 30, folio 27. It was first read August 13, and Friday, August 15, assigned for a second reading. It was read again on Tuesday, August 19, and postponed till August 28, when it was referred to the following grand committee: Mr. [Abiel] Foster, Mr. [Samuel] Holten, Mr. [David] Howell, Mr. [Samuel] Huntington, Mr. [James] Duane, Mr. [Silas] Condict, Mr. [John] Montgomery, Mr. [James] McHenry, Mr. [Arthur] Lee, Mr. [Benjamin] Hawkins, and Mr. [Jacob] Read. A copy of the report is on folio 29, and a draft, written on Williamson's motion, is in No. 36, II, folio 205. The indorsements indicate the facts concerning the reading and the reference. According to Committee Books 186 and 191, a report was delivered September 1. See *post*, September 22.

² This motion, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 201. According to the indorsement, this motion was made August 11, and "Wednesday, Aug^t 13th assigned for consideration. Aug^t 14, 1783, Question taken. Passed in the negative."

is no longer found necessary or expedient that Congress should continue at Princeton,

*“Resolved, That on Friday the 15th instant, the President do adjourn Congress to meet on Monday next the 21st, at the city of Philadelphia; and that on the second Monday in October next, the President do in like manner adjourn Congress, to meet on the Monday following, at Annapolis, in the State of Maryland, unless Congress shall in the mean time order otherwise.”*¹

And on the question for postponing, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Wilson,	ay	} ay
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Holten,	no	} no	Peters,	ay	
Higginson,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Ellery,	no	} no	McHenry,	ay	
Howell,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Bland,	no	} no
Mr. S. Huntington,	no	} no	A. Leo,	no	
B. Huntington,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	} div.
Mr. Duane,	ay	} div.	Williamson,	ay	
L'Hommedieu,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Izard,	ay	} ay
Mr. Boudinot,	ay	} no	Read,	ay	
Clark,	no		Beresford,	no	
Condict,	no				

So the question was lost.

On motion of the delegates of Pennsylvania,

Ordered, That the farther consideration of the original motion be postponed, in order that the following declaration made by one of the delegates from Pennsylvania this morning, in his place, be entered on the Journal, viz.

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 209.

The delegates of Pennsylvania are authorised by the President and council of that State, to declare in the most respectful terms to Congress, that their return to Philadelphia is sincerely desired by the president and council, as an event which would give them the greatest satisfaction.¹

The consideration of the original motion was again resumed, and after further debate, an adjournment was called for and agreed to.

THURSDAY, AUGUST 14, 1783

Mr. Elbridge Gerry, a delegate for the State of Massachusetts, attended, and took his seat.

Congress having resumed the consideration of the motion of Mr. [David] Howell, which was under debate yesterday,

A motion was made by Mr. [James] Duane, seconded by Mr. B[enjamin] Huntington, that the farther consideration of the same be postponed,

And on the question for postponing, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Wilson,	ay	} ay
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Holten,	no	} no	Peters,	ay	
Higginson,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Howell,	no	}	McHenry,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Bland,	no	} no
B. Huntington,	ay		Lee,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Hawkins,	no	} div.
L'Hommedieu,	ay		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} no	Mr. Izard,	ay	} ay
Clark,	no		Read,	ay	
Condict,	no		Beresford,	no	

¹ This declaration, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 69, II, folio 455.

So the question was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Wilson,	ay	} ay
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Holton,	no	} no	Peters,	ay	
Higginson,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Howell,	no	} *	McHenry,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	no	} no	Mr. Bland,	no	} no
B. Huntington,	no		Lee,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	} no	Mr. Hawkins,	no	} div.
L'Hommedieu,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} no	Mr. Izard,	no	} no
Clark,	no		Read,	ay	
Condict,	no		Beresford,	no	

So the question was lost.¹

FRIDAY, AUGUST 15, 1783

A letter, of August 12th, from Major General R. Howe, enclosing the proceedings of a general court-martial, on the trials of Serjeants Nagle and Morrison, for mutiny, having been read,²

Resolved, That the President inform Major General Howe, that it is the pleasure of Congress, that the execution of the sentences against the several offenders who have been ~~tried~~ ~~for~~ convicted of mutiny by the general court-martial now sitting at Philadelphia, be suspended, until ~~the further order of Congress~~ ten days after a full report of all the proceedings of the said court-martial respecting the mutiny, shall have

¹ On this, or an approximate date, was read a letter of August 13 from General Sir Guy Carleton relating to trials of counterfeiters. It is in the *Papers of the Continental Congress*, No. 52, folio 5.

² Howe's letter is in the *Papers of the Continental Congress*, No. 38, folio 105. According to the indorsement, it was read in Congress August 14.

been laid before Congress, [of which the President shall give General Howe official information].¹

COMMONWEALTH OF MASSACHUSETTS

By His Excellency John Hancock Esq^r Governor of the
[Seal] Commonwealth of Massachusetts

To all unto whom these Presents shall come Greeting

Whereas the General Court of the Commonwealth aforesaid did on the Sixth day of June A^o Dⁱ 1782, agreeable to the Constitution of said Commonwealth appoint The Honble Elbridge Gerry Esq^r a Delegate to represent this Commonwealth in the Congress of the United States of America

Now therefore Know Ye That I do by these Presents and in pursuance of the said Appointment Commission the said Elbridge Gerry Esq. to represent this Commonwealth in Congress and Vest him with all and singular the Powers and Authorities to the said Office or Place of Delegate belonging by Virtue of the Constitution of this Commonwealth and the Appointment aforesaid. And to hold said Office until the fifth day of November 1783 And the said Elbridge Gerry Esq^r is hereby required to observe the Instructions which from time to time shall be given to him by the General Court of this Commonwealth.

In Testimony whereof I have caused the Public Seal of the Commonwealth aforesaid to be hereto affixed.

Witness John Hancock Esq^r Governor as aforesaid.

Dated at Boston the Nineteenth day of June in the Year of Our Lord One thousand Seven Hundred and Eighty three And in the Seventh Year of the Independence of the United States of America.

JOHN HANCOCK ²

By His Excellency's Command

JOHN AVERY Sec^y

¹ Here Charles Thomson resumes the entries in the Journal.

This resolution, in the writing of James Duane, except the words in brackets, which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, II, folio 213. According to the indorsement, it was the motion of Mr. [James] Duane, seconded by Mr. [Richard] Peters, and was made August 14. Indorsed upon it, in the writing of Elias Boudinot, is the following:

"Resolved, That the considerations of the proceedings of the court martial be postponed till Congress shall have received the whole proceedings of the court before them, and shall have taken order thereon, and that in the mean time all executions of sentences already given by the court be suspended."

² The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, as "Registered, August 15, 1783."

OFFICE OF FINANCE, 12th August, 1783.

SIR

Enclosed are the letters of 16th and 18th June from Benj^a Stelle, Esq^t, Commissioner for settling the Accounts of Pennsylvania, which have been referred to me. These, together with a Letter from that Gentlemen to me of the tenth of May, were transmitted to the Comptroller of the Treasury, who has lately returned them with his Observations. I have now the Honor to enclose for the Inspection of Congress the whole of that Commissioner's Questions, in a collective Point of Light, and have subjoined an Answer which is transmitted to him. The Reflection which will naturally suggest itself on this Occasion is, that however difficult it may be to draw Instructions for such complicated Business as the Settling of our old Accounts, another great Difficulty consists in causing them to be read with Attention; and after all it is easier to make men read, than to make them think. There is however, among the Commissioner's Questions to me, one which Congress alone can Answer in the Affirmative, Viz. "Are Charges for Buildings, Fences, Wood, &c., damaged or destroyed by continental Troops or Militia to be allowed?" Considering the Extent and Magnitude of this Object, on the one Hand, and, on the other, what serious Injuries have been sustained by some Individuals, the question is equally intricate and important. No answer has been yet given altho' not unfrequently agitated, as the Journals will testify. Whether Congress will leave it on the present footing, or order such Damages to be allowed, or (making a Distinction between wanton Devastation and necessary Impressure) leave the Officer to Account in one Case and the Public in another, or finally whether they will take a Course between all these, and order the Accounts to be liquidated and reported but the Ballances not to be finally allowed and Certificates given until their further Order, are Questions which it is in their Wisdom to determine, by that extensive View of Things which they possess.

While I am on the Subject of these Accounts, I will take the Liberty to mention a Matter which has been suggested from another Quarter, and which it is my Duty to lay before Congress. The Accounts of the Secret and the commercial Committees of Congress are far from being inconsiderable, either as to their Nature or Magnitude. They are involved with others, and have extended themselves to different Parts of the United States, and to Europe and the West Indies. They are more particularly connected with the Marine

Accounts than with any others, but the Settlement of them is highly necessary. Whether Congress may think it most advisable to empower the Comm^r for settling the Marine Accounts to settle these also, or whether they will appoint a Comm^r for that express Purpose, they alone can determine.¹

The Committee of the week [Mr. Ezra L'Hommedieu, Mr. Abiel Foster and Mr. James Wilson] report, that the Petition of George Ingels, Thomas Biggs and others in the Department of Military Stores, praying a compensation for the Depreciation of their pay,

Report that it lay on the table.²

MONDAY, AUGUST 18, 1783

On motion of Mr. A[rthur] Lee, seconded by Mr. [David] Howell,

Resolved, That the Superintendant of finance lay before Congress, an estimate of the foreign and domestic debt due from the United States, together with the interest on the same to become due in 1784.³

The Committee consisting of M^r [Abraham] Clark, M^r [Richard] Peters and M^r [Benjamin] Hawkins, to whom was referred a letter from Tho^s Paine beg leave to Report,

¹ This report is in the *Papers of the Continental Congress*, No. 137, II, folio 779. According to the indorsement, and to the record in Committee Books No. 186 and No. 191, it was referred, on August 15, to Mr. [Abraham] Clark, Mr. [Arthur] Lee and Mr. [Elbridge] Gerry. This committee's report, delivered November 4, was committed, on January 12, 1784, to Mr. [Richard Dobbs] Spaight, Mr. [Elbridge] Gerry and Mr. [Arthur] Lee, and on February 13, Mr. [John] Beatty and Mr. [Roger] Sherman were added to the committee. Their report was delivered April 13, 1784.

² This report is in the *Papers of the Continental Congress*, No. 19, III, folio 257. The indorsement states that it was passed this day. The petition is in No. 42, VI, folio 73. It is dated Philadelphia, July 7, 1783.

On this day, as the indorsement indicates, a letter of August 10 from Captain Winthrop Sargent, aide-de-camp to General Robert Howe, relative to his promotion, was read and referred to Mr. [Theodorick] Bland, Mr. [John Francis] Mercer and Mr. [Samuel] Holten. It is in No. 78, XXI, folios 319-321. General Howe's letter, of August 12, on the same subject, is on folio 325. According to Committee Book No. 191, a report was delivered August 25. See *post*, August 28.

³ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 217. It was also entered in No. 12, *Book of Estimates*. See *post* September 16, and October 22.

That it is indispensably necessary, a just and impartial Account of our Contest for public freedom and happiness should be handed down to posterity. That this can be best done by a historiographer to the United States of great industry and abilities; by one too, who has been and is governed by the most disinterested principle of public good, totally uninfluenced by party of every kind. That Thomas Paine Esq^r has rendered very essential services to the cause of America, from the commencement of the War to the conclusion thereof, without having sought, received or stipulated for any honors, advantages, or emoluments for himself. That a history of the American Revolution compiled by M^r Paine is certainly to be desired, Whereupon, the Committee recommend the following Resolution.

That Thomas Paine Esq^r be appointed Historiographer to the United States. That his salary be dollars per annum.¹

[Report of Mr. Theodorick Bland, Mr. Hugh Williamson, Mr. Richard Beresford, on Representation of Superintendent of Finance, on letter 30 June, 1783, from the President of New Hampshire.]

That the appointment of a Continental loan officer in the State of New Hampshire is unnecessary.

That the act of the legislature of New Hampshire, desiring such continental loan officer if approved and appointed by Congress to issue certificates for the interest on loan office certificates is inadmissible as it will necessarily tend to a depreciation of the continental securities and induce a speculation on such depreciation highly prejudicial to public credit and defeat if generally adopted throughout the U. S. that system of Finance ~~on which depends the well-being if not the existence of the Federal Union~~ which is necessary to administering equal justice, and as it will tend to multiplying and confusing the public accounts, and of course occasion a multiplicity of officers in the department of finance already too numerous and expensive,

Resolved, That an adoption of the mode of paying the Continental Quota of the requisition proposed by New Hampshire would if admitted by Congress necessarily induce a similar mode of conduct

¹ This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, V, folio 1. According to the indorsement it was delivered August 15, read on this day, and on October 31, 1783, was referred to Mr. [Daniel] Carroll, Mr. [Elbridge] Gerry and Mr. [William] Ellery, but there is no entry of this reference in the Committee Book.

in every State in the Union and thereby deprive the U. S. Treasury of solid coin on which alone solid credit can be founded.¹

Resolved, That the Keepers of the Loan offices in the respective States be directed to issue certificates for one year's intrest due on the Loan Office certificates issued from their respective offices and that said Loan officers also issue certificates for one year's intrest on all liquidated debts in their respective States—to the end that said certificates may be receivable, by the Continental receiver in said States respectively in payment of their quotas on the requisition of the 4th of last September.

It is further Resolved, That the keepers of the Loan offices in the respective States be directed to take in and liquidate, agreeably to the resolve of the day of all the certificates issued from their respective offices, and to issue new specie certificates agreeably to such Liquidation.

Seconded by Mr [Stephen] Higginson.²

TUESDAY, AUGUST 19, 1783

A motion was made by Mr. A[rthur] Lee, seconded by Mr. [David] Howell,

That the Superintendant of finance lay before Congress, an account of the annual interest that was payable in Europe on loan-office certificates, together with an account of the bills drawn for the payment of such interest, for the year 1782, and the sums retained in France for that purpose.³

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 20, I, folio 35. The indorsement states that it was delivered August 15, read and recommitted August 18. See *post*, September 23.

² This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, IV, folio 97. It is undated, but, according to the indorsement, and the record in Committee Book No. 186, it was referred on this day, with their report on the Superintendent's report on President Weare's letter, to Mr. [Theodorick] Bland, Mr. [Hugh] Williamson and Mr. [Richard] Beresford.

Also, a petition of John Morrison, a sergeant in the 3rd Pennsylvania regiment, praying for mercy. It is in No. 38, folios 185–187.

³ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 215. The vote is indorsed on it. It was also entered in No. 12, *Book of Estimates*. See *post*, September 16, and October 22.

On which the yeas and nays being required by Mr. [Arthur] Lee,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	ay	}	Mr. Boudinot,	ay	}
<i>Massachusetts,</i>			Clark,	ay	
Mr. Gerry,	ay	}	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	ay	}
Higginson,	ay		<i>Virginia,</i>		
<i>[Rhode Island,</i>			Mr. Bland,	ay	}
Mr. Ellery,	ay	}	Lee,	ay	
Howell,	ay		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	}	Mr. Hawkins,	ay	}
B. Huntington,	ay		Williamson,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	}	Mr. Izard,	ay	}
L'Hommedieu,	ay		Beresford,	ay	

So it passed in the affirmative.]¹

The Committee consisting of Mr [Abraham] Clark, Mr [Hugh] Williamson and Mr [Samuel] Holten to whom was referred a memorial of Mr Stacy Potts respecting a large Manufactory of Steel in which he is concerned, report,

That they have examined many certificates from Mechanics who have made a thorough trial of Mr Potts's Steel in edged tools and other instruments and declare that it is at least equal to the best British Steel. The Committee however considering that there are at this time many important manufactures in the different States and that others may be attempted which by proper attention and encouragement may be carried to great perfection by which our own Citizens may be employed and supported and large sums of money be saved which must otherwise be expended in foreign Countries, circumstances which deserve the most serious consideration at a Period when the United States are labouring under heavy debts both foreign and domestic; Wherefore the following Resolution is submitted:

That it be recommended to the Legislatures of the several States to countenance and encourage the establishment of useful manufac-

¹ The part in brackets was entered in the Journal by George Bond.

tures either by premiums or by such other means as they may find most effectual which are consistent with the Confederation and the Treaties subsisting between the United States and foreign powers.¹

[Motion of Mr. Samuel Huntington, respecting office of foreign affairs. Referred to Mr. Stephen Higginson, Mr. Arthur Lee, Mr. Samuel Huntington.]

Resolved, That Congress proceed immediately to ballot for a Committee to execute the office of Secretary for Foreign affairs till a Secretary shall be chosen.

Resolved, That the Committee for executing the office for Secretary for foreign affairs, have a list made forthwith of the papers in the office of Secretary for foreign affairs and lay the same before Congress.

Provided, That before the foreign papers which are now under seal shall be opened, a clerk of the foreign papers shall be appointed by Congress and qualified on oath for the faithful execution of his trust, the nature of which shall be expressly ascertained by instructions to be reported by the Committee for the approbation of Congress.²

The Committee consisting of Mr [Abraham] Clark Mr [John Francis] Mercer and Mr [William] Ellery to whom was referred the Memorial of the officers of the Navy, report the following resolution:

That in settling the accounts of Officers of the Navy of the United States, the deficiency of their original pay occasioned by depreciation of the Continental bills of credit be allowed to all who were in actual service on, or at any time after the 10th day of April, 1780, for the time they respectively were entitled to pay conformably to an act of Congress of the 25th of January 1780.³

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folio 211. According to the indorsement, it was delivered and read on this day, and the note in Committee Book No. 191 states that it was filed.

² The first two paragraphs of this motion, in the writing of Arthur Lee, are in the *Papers of the Continental Congress*, No. 25, II, folio 245. The proviso, in the writing of James Duane, is on folio 249. According to the indorsement, the motions were made on this day; and according to the record in Committee Book No. 186, the committee was appointed August 22, and a report delivered August 26.

³ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 28, folio 185. According to the indorsement, it was delivered on this day and read. Action was had on a similar case August 1, 1787.

Ordered, That so much of President Weare's Letter of 30th June as relates to the Liquidation of Loan Office Certificates be referred to the Superintendant of Finance to report.¹

THURSDAY, AUGUST 21, 1783²

On motion of Mr. [Arthur] Lee, seconded by Mr. [Theodorick] Bland:

Whereas it is stipulated in the 7th article of the preliminaries, agreed upon the 30th day of November, 1782, between the plenipotentiaries of his Britannic Majesty and of the United States, "that the king of Great Britain shall order, and cause all archives, records, deeds and papers belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper states and persons to whom they belong,"

~~And the delegates of the State of Virginia having in behalf of that State and of the citizens thereof requested Congress to require the fulfillment of this stipulation, therefore~~

Resolved, That his Britannic Majesty's Commanders in Chief at New York and at Quebec be requested to order the immediate delivery

¹ This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. See *ante*, July 26.

On this day, as the indorsement indicates, a letter of August 19 from the Assistant Secretary at War, transmitting a report dated August 18, from Ephraim Douglass, messenger to the Indian tribes, was read, and referred to Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee. It is in the *Papers of the Continental Congress*, No. 149, III, folio 171. Douglass's report with enclosures is on folios 135-169. According to Committee Books No. 186 and No. 191, a report on this and other letters and papers relative to Indian affairs referred to the same committee was delivered September 19 and acted upon October 14.

Also, a letter of August 17 from General Sir Guy Carleton. It is in No. 52, folio 217. It was referred to Mr. [Ralph] Izard, Mr. [Benjamin] Hawkins, Mr. [James] Duane, Mr. [Arthur] Lee, Mr. [Stephen] Higginson.

On this day, as the indorsement states, was read a petition, dated August 15, of Christian Nagel, sergeant in the 3rd regiment of Pennsylvania, praying for mercy. It is in No. 38, folio 189.

² The proceedings for this day were also entered in the manuscript Secret Journal, Foreign Affairs.

to persons authorized to receive them, of all archives, records, deeds and papers belonging to ~~the State of Virginia or to any of its citizens~~ any of the United States or to any of their Citizens which may have fallen into the hands of any of his Britannic Majesty's Officers during the course of the war.¹

Resolved, That the Commander in Chief be directed to make application to his Britannic Majesty's generals, commanding at New York and Quebec, for the immediate delivery, to persons authorised to receive them, of all archives, records, deeds and papers belonging to any of the United States, or to any of their citizens, which may have fallen into the hands of any of his Britannic Majesty's officers during the course of the war.

Ordered, That copies of the foregoing resolution be sent to the several states.

[Motion of Mr. Elbridge Gerry. Referred to Mr. Elbridge Gerry Mr. Arthur Lee, Mr. Daniel Carroll.]

~~That a committee be appointed to prepare an~~ it be an instruction to the Ministers of the United States who negotiated the peace for obtaining an explanation of the provisional treaty relative to the legality or illegality of Captures made to the northward of the Canary Islands, after the 3rd of March last.²

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 249. An indorsement, in Thomson's writing, indicates that the amendment in the resolution, as adopted, was on motion of James Duane, seconded by Samuel Holten.

² This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, II, folio 253. According to the indorsement, it was offered on this day. The following resolution, in the writing of Arthur Lee, is on folio 254.

"*Resolved*, That the Minister or Ministers for negotiating peace in behalf of the U. S. be and they are hereby instructed to negotiate an explanation of the article of the preliminaries so as to stipulate that all captures made on either side after the 3rd of March north of the latitude of the Canary Islands in every part of the Atlantic, were meant by the said article to be deemed illegal, and shall therefore be restored on each side, or the value paid to their respective proprietors."

The following motion, in the writing of Ralph Izard, undated, apparently belongs to this period. It is in No. 36, II, folio 253.

"That the Ministers of the U. S. who negotiated Peace be instructed to demand a restoration of all vessels belonging to the Citizens of the U. S. that have been captured to the Northward of the most Southern Port of the Canary Islands after the according to the agreement entered into by "

[Motion of Mr. Stephen Higginson, seconded by Mr. Samuel Holten, August 21, 1783. Consideration postponed.]

That the Secretary at war be directed to report what order has been taken in consequence of the resolution of _____ directing the return of such part of the troops, under the command of Major General Howe, as may be no longer necessary to be retained in Philadelphia, and that General Howe be directed to give all possible despatch to the business in which he is engaged in order that the troops under his command may all of them be returned to West Point.¹

MONDAY, AUGUST 25, 1783

Congress being informed of the arrival of the Commander in Chief in the neighbourhood of Princeton:

Ordered, That he have an audience in Congress to-morrow at twelve o'clock.

The Committee [Mr. Theodorick Bland, Mr. Stephen Higginson, Mr. James McHenry] to whom was referred a letter from the Superintendent of Finance of the 18th July, 1783 beg leave to Report.

That they have attentively considered the letter committed to them, and do not conceive that the Act of Congress of the eleventh of July, which took its rise from a serious representation of the State of Massachusetts, on the subject therein recited could have been dispensed with, consistent with the duty of Congress; nor do your Committee think that any later information has contradicted, but rather confirmed the said recital, viz, that certain parts of the Army retired on furlough had not received their pay &c., which recital is

¹ This motion, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 219.

On this or an approximate date was presented a petition of Obadiah Howland, and fifteen others, dated Fredricksburg, N. Y., August 14, members of Captain Anthony Post's company of artillery artificers, asking for a settlement of their accounts. It is in No. 42, I, folio 56. See *post* September 3 and October 17.

On this day, as stated in the indorsement on his letter of August 20 requesting it, leave of absence was granted to George Bond. The letter is in No. 78, IV, folio 403.

On this day, as the indorsement states, was read a letter of August 18 from Simon Metcalfe, asking for relief. It is in No. 78, XVI, folio 369.

On August 22, as the indorsement indicates, was read a letter of August 14 from General Washington. It is in No. 152, XI, folio 431. It is printed in the *Writings of Washington* (Ford) X, 297.

On this day, as the indorsement states, was read a letter of August 20 from Major General Robert Howe. It is in No. 38, folio 109.

complained of by the Superintendent of Finance as a censure of him which is unwarranted; much less in the opinion of your Committee will subsequent information justify the insinuation contained in the letter to them referred, that the recital abovementioned is void of truth.

Your Committee are fully in opinion with your Superintendent of Finance that Congress have passed no particular order for paying any precise sum to the army at large, on which the order of the eleventh of July, "for paying the officers and soldiers of the Massachusetts line" would be founded, but they are of opinion that the sense of Congress on that subject, is sufficiently manifested by their several resolutions of _____, by their continuing the said Superintendent in his office for the special purpose of making such payments to the officers and soldiers as might enable them to retire satisfied from the field; and from the official information of the said Superintendent to the Committee which was appointed to confer with him on that subject, as well as by a resolution which Congress came to on that consideration to support him in carrying their views into effect. Of this the Superintendent seems to admit, when he says (after the objections above stated) "Supposing however that by the resolution is meant the three months' pay in notes payable at six months from the date"

Your Committee cannot conceive the necessity, the utility or even the propriety of the observation of the Superintendent of Finance "That it is not the business of his department to complete the pay to any part of the army—but that of the Paymaster", as the several duties of the Departments were originally assigned and pointed out by Congress and as the due execution of the subordinate departments in receipts and expenditures of every kind are under the Controul of the Superintendent of Finance.

Your Committee are fully satisfied that no time was lost in completing the signing the notes for the payment of the troops after the measure was concluded upon; but they are of opinion that in so important and perilous a step as the furloughing the troops Congress should have been fully apprized (after they had pledged their faith that no part of the Army should be disbanded without a settlement of their accounts and a certain part of their pay being advanced to them) of the difficulty or impracticability of doing the one or advancing the other in due time. That so the furloughing might have been suspended for a short time, whereby in all probability the subsequent tumults and discontents in the Army might have been avoided, but this was not done; to avoid which evil in future, and such others as

may arise from Congress's being uninformed of the measures, which the Superintendant of Finance may think necessary for carrying the views of Congress into effect, in support of which your Committee find Congress have pledged themselves in their resolution

Your Committee beg leave to submit the following resolution:

Resolved, That the Superintendant of Finance lay before Congress the arrangements he has already taken, or which from time to time he may think necessary to take, for carrying the views of Congress, as expressed in their resolution of the day of into effect, and all plans and regulations in the department of Finance which he may at any time during his continuance in office think necessary to be adopted, that such plans and regulations may be known to Congress, and undergo their revision before they are put into execution.¹

TUESDAY, AUGUST 26, 1783

According to order, General Washington attended, and being introduced by two members, the President addressed him as follows:

SIR, Congress feel particular pleasure in seeing your Excellency, and in congratulating you on the success of a war, in which you have acted so conspicuous a part.

~~The Services which you have rendered to your Country have been extensive, laborious and difficult. Those Parts of them which have been the least known have not been the least entitled to applause. In many Periods of the War your Success depended as much on the wise Caution, with which you concealed, as on the persevering Fortitude with which you surmounted, the Obstacles that lay before you. Your Retreats have been marked with Circumstances not less honourable to your military Character than those which have distinguished your Victories.~~

It has been the singular happiness of the United States, that during a war so long, so dangerous, and so important, Providence

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, IV, folio 415. According to the indorsement, it was read on this day.

On this day, as the indorsement states, was read a letter of August 23 from Elias Dayton, covering resolutions of the inhabitants of Elizabeth Town offering that place for a residence for Congress. It was referred to Mr. [James] Duane, Mr. [James] Wilson, Mr. [Jacob] Read, Mr. [James] McHenry and Mr. [James] Madison. It is in No. 46, folio 103. The resolutions are on folio 109.

has been graciously pleased to preserve the life of a general, who has merited and possessed the uninterrupted confidence and affection of his fellow-citizens. ~~Others have deserved and received the thanks of free nations for eminent services performed in their Defense.~~ In other nations many have performed services, for which they have deserved and received the thanks of ~~their fellow-citizens~~ the public. But to you, sir, peculiar praise is due. Your services have been essential in acquiring and establishing the freedom and independence of ~~the United States~~ your country. They deserve the grateful acknowledgments of a free and independent nation. ~~Such~~ Those acknowledgments, Congress have ~~now~~ the satisfaction of expressing to your Excellency.

Hostilities have now ceased, but your country still needs your services. She wishes to avail herself of your talents in forming the arrangements which will be necessary for her in the time of peace. For this reason your attendance at Congress has been requested. A committee is appointed to confer with your Excellency, and to receive your assistance in preparing and digesting plans relative to those important objects.¹

To which his Excellency made the following reply:

MR. PRESIDENT, I am too sensible of the honorable reception I have now experienced, not to be penetrated with the deepest feelings of gratitude.

Notwithstanding Congress appear to estimate the value of my life beyond any services I have been able to render the United States, yet I must be permitted to consider the wisdom and una-

¹ This address, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 445. According to the indorsement, it was reported by the committee, Mr. [Samuel] Holten, Mr. [James] Wilson, Mr. [Daniel] Carroll, Mr. [Samuel] Huntington and Mr. [James] Duane, and agreed to, August 9. The following note is in Elias Boudinot's writing:

"There should not any copy of this be given out to any Person whatever untill it is executed. E. B."

A fair copy of the address is on folio 449.

The following, without date, is in James Duane's writing, except the part in brackets, which is in the writing of Elias Boudinot. It is on folio 443:

"That the General on receiving his audience shall be introduced by two members and placed in a chair near to, and on the right hand of the President. The President to be covered and to speak to the General in his seat, and to receive his address sitting. The members of each State during the conference to sit together and keep their seats, uncovered, as usual, ~~and to sit together in the order of their states~~ [two first members present of Committee to introduce the General]."

nimity of our national councils, the firmness of our citizens and the patience and bravery of our troops, which have produced so happy a termination of the war, as the most conspicuous effect of the divine interposition, and the surest presage of our future happiness.

Highly gratified by the favourable sentiments which Congress are pleased to express of my past conduct, and amply rewarded by the confidence and affection of my fellow-citizens, I cannot hesitate to contribute my best endeavours towards the establishment of the national security in whatever manner the sovereign power may think proper to direct, until the ratification of the definitive treaty of peace, or the final evacuation of our country by the British forces; after either of which events, I shall ask permission to retire to the peaceful shade of private life.

Perhaps, sir, no occasion may offer more suitable than the present to express my humble thanks to God, and my grateful acknowledgments to my country, for the great and uniform support I have received in every vicissitude of fortune, and for the many distinguished honors which Congress have been pleased to confer upon me in the course of the war.¹

OFFICE OF FINANCE, 26th August, 1783.

SIR

In Compliance with the Resolution of Congress of the eleventh Instant I do myself the Honor to inform your Excellency that my Report on the Letters therein mentioned had been forwarded before I received the Resolution referred to. In Obedience to the latter Part of that Resolution I have the Honor to enclose Copies of the Instructions given as well from this Office as from that of the Comptrollers to the Commissioners for settling the Accounts between the United States and each particular State. I have also taken the Liberty to add the Instruction given to the Commissioners for settling the Accounts of the Departments.²

The Committee [Mr. Stephen Higginson, Mr. Arthur Lee and Mr. Samuel Huntington] to whom were committed the motions of Mr. [James] Duane and of Mr. S[amuel] Huntington, relative to the Office for foreign affairs, are of opinion that it is of the highest impor-

¹ A copy of this reply is in the *Papers of the Continental Congress*, No. 19, VI, folio 453.

² This report, with its enclosures, is in the *Papers of the Continental Congress*, No. 137, III, folios 1-27. See *ante* August 15.

tance that a Secretary for that office should be elected, and that in the mean time the papers belonging thereto should be so disposed of as that Congress may have recourse to them when occasion shall require it; the following Resolutions are submitted:

That ~~Thursday next be assigned~~ the order of the Day for electing a Secretary for foreign affairs be called for on Thursday next.

That a Committee be appointed forthwith, to take a list of the papers belonging to the Office for foreign affairs, and to deliver them when listed to the Secretary of Congress, who shall arrange and take care of them untill a Secretary for foreign affairs shall be elected and ready to enter upon the Business of that Office.¹

WEDNESDAY, AUGUST 27, 1783

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Samuel] Holten, that Congress will, on Friday next, resolve itself into a committee of the whole, to take into consideration what powers exist in Congress, by the Confederation, for the purpose of forming a military peace establishment.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to amend, by inserting after "consideration," the words "whether any and," and on the question to agree to this amendment, the yeas and nays being required by Mr. [William] Ellery,

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 25, II, folio 247. The indorsement states that it was delivered on this day and read, and: "March 2, 1784, Mr. Remsen elected under secretary to take charge of papers."

The first draft of this report, also in the writing of Stephen Higginson, is on folio 245, as follows:

"The committee to whom were committed the motions of Mr. [James] Duane and Mr. S[amuel] Huntington, relative to the Office for foreign affairs, are of opinion that it is of the highest importance that a Secretary for that office be immediately appointed, and that the papers of that office should be so disposed of as that recourse to them may be had by the members of Congress as occasion shall require; wherefore the following resolution is submitted:

That Thursday next be assigned for electing a Secretary for the office for foreign affairs, and that a committee be appointed to take a list of the papers belonging to that office, and to dispose of them in such manner as that members of Congress may have recourse to them when they please."

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	
Mr. Holten,	no	} div.	<i>Maryland,</i>		
Higginson,	ay		Mr. Carroll,	no	} no
<i>Rhode Island,</i>			McHenry,	no	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Howell,	ay		Mr. Jones,	no	} no
<i>Connecticut,</i>			Madison,	ay	
Mr. S. Huntington,	ay	} div.	Bland,	no	
B. Huntington,	no		Lee,	ay	
<i>New York,</i>			Mercer,	no	
Mr. Duane,	no	} div.	<i>North Carolina,</i>		
L'Homedieu,	ay		Mr. Hawkins,	no	} no
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	} div.	<i>South Carolina,</i>		
Condict,	ay		Mr. Read,	no	} div.
			Beresford,	ay	

So the question was lost.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, to postpone the consideration of the main question, in order to consider the following proposition:

That on Friday next, Congress will go into a committee of the whole, to consider the question of a peace establishment.

And on the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	no	} *	Mr. Duane,	ay	} ay
<i>Massachusetts,</i>			L'Homedieu,	ay	
Mr. Higginson,	no	} no	<i>New Jersey,</i>		
Holten,	no		Mr. Boudinot,	ay	} div.
<i>Rhode Island,</i>			Condict,	no	
Mr. Ellery,	no	} no	<i>Pennsylvania,</i>		
Howell,	no		Mr. Montgomery,	ay	} ay
<i>Connecticut,</i>			Peters,	ay	
Mr. S. Huntington,	no	} no	<i>Maryland,</i>		
B. Huntington,	no		Mr. Carroll,	ay	} ay
			McHenry,	ay	

<i>Virginia,</i>			<i>North Carolina,</i>			
Mr. Jones,	ay	} ay	Mr. Hawkins,	ay	} ay	
Madison,	ay		Williamson,	ay		
Bland,	no		<i>South Carolina,</i>	Mr. Read,	ay	} ay
Lee,	no					
Mercer,	ay					

So the question was lost.¹

THURSDAY, AUGUST 28, 1783

The delegates for Pennsylvania laid before Congress an extract from the minutes of the general assembly of that State, which was read, and is as follows:

State of Pennsylvania, in General Assembly, Monday, August 25, 1783,
A. M.

Agreeable to the order of the day, the house went into the consideration of the report on the subject of national credit, read August 22 instant; whereupon,

Resolved unanimously, That Mr. Rush, Mr. Whitehill and Mr. Hoge, be a committee to prepare and bring in a bill conformable to the resolution of Congress of April 18, 1783, inserting a clause for repealing the act, entitled "An act to vest in the Congress of the United States, a power to levy duties of five per centum ad valorem, on certain goods and merchandise imported into this commonwealth, and on prizes and prize goods condemned in the court of admiralty of this State, after the first day of May, one thousand seven hundred and eighty-one, and for appropriating the same."

Resolved unanimously, That the measures Congress have taken in their resolution of the 18th of April last, to support and establish

¹ On this day, as the indorsement states, was read a letter of August 22, from Israel Shreve, relative to Western lands. It is in the *Papers of the Continental Congress*, No. 78, XXI, folio 329.

Also, a letter of August 26 from General Washington, relative to the protection of the Western frontier. It is in No. 152, XI, folio 435. According to the indorsement, it was referred to Mr. [James] Duane, Mr. [Richard] Peters and Mr. [Daniel] Carroll] but Committee Book No. 186 shows that Mr. [Benjamin] Hawkins and Mr. Arthur Lee were also on the committee, that they had under consideration several other papers on the same subject, and that a report was delivered September 19. See *post*, October 14 and 15.

Also a letter from the delegates of Maryland giving information of the disposition of the Executive of that State and the mayor of Annapolis to accommodate Congress. It is in No. 46, folio 113.

public and national credit, meet with the approbation of this house, and they will appropriate substantial and permanent funds, by taxes or otherwise, for supplying the continental treasury with their quota as assigned in said resolution.

Resolved unanimously, That this house do hereby authorise and direct their delegates in Congress, or any two of them, to join with the delegates of the other states in Congress assembled, and properly authorised, in revoking and making void so much of the eighth Article of Confederation and perpetual union, between the thirteen States of America, as is contained in the following words, viz. "All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within such State granted to or surveyed for any person as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint." And in place thereof to substitute the words following, viz.

"All charges of war, and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint." ¹

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [John Francis] Mercer and Mr. [Samuel] Holten, to whom was referred a letter of 10 August, from Captain Winthrop Sarjeant,

The Committee to whom was referred the letter from Winthrop Sergeant, Cap^t of Artillery in the line of Massachusetts,

That from the injury Cap^t Winthrop Serjeant appears to have received in his rank owing to the various arrangements which have

¹ This act is in the *Papers of the Continental Congress*, No. 75, folio 213.

taken place with regard to promotion which from his peculiar situation have proved singularly disadvantageous to him, and from a consideration of his merit and long services, that he is entitled to promotion, and therefore submit the following Resolution:

Resolved, That Captain Winthrop Sarjent be, and he is hereby promoted to the rank of major by brevet in the army of the United States.

~~and that his commission bear date from the date of this resolution.~~¹

The ordinance for prohibiting the settlement and purchase of certain lands, was read a second time.

Ordered, That it be referred to a grand committee.²

FRIDAY, AUGUST 29, 1783

A letter, of 25, from Joseph Bullock, one of the late managers of the lottery, was read, stating that, among the dead letters in the hands of the postmaster general, are several packets containing tickets and letters; that the lottery accounts being now in the hands of the public auditors, those vouchers are absolutely necessary in the settlement of the same; Whereupon,

Ordered, That the packets aforesaid be delivered free to the said J. Bullock.³

¹ This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, V, folio 285. According to the indorsement, it was delivered August 25, entered and read.

² See August 13, *note*.

On this date, as the indorsement indicates, was read a letter of August 28, from Stephen Moore praying for relief. It is in the *Papers of the Continental Congress*, No. 78, XVI, folio 375.

³ The letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 407.

On this or an approximate date was read a letter of July 20 from the Marquis de Lafayette. It is in No. 156, folio 352.

On this day, as the indorsement states, was read a letter of August 28 from General Washington, enclosing a letter from the Chevalier Jean de Heintz, dated Warsaw, May 13, 1783, containing propositions to Congress respecting the admission of a number of Americans as members of an order lately instituted in Poland. It is in No. 152, XI, folio 439. It was referred to Mr. [William] Ellery, Mr. [Arthur] Leo, Mr. [Ralph] Izard, Mr. [Richard] Peters and Mr. [James] McHenry. According to Committee Books No. 186 and No. 191, a report was delivered September 11, and acted upon, January 5, 1784.

[No session August 30 and 31]

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